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REPORT ON CURRENT SITUATION CONCERNING CHILD ABUSE AND NEGLECT IN BOSNIA AND HERZEGOVINA

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1. Abstract - Summary [300-400 words max.]

Every day in the world millions of children are victims of abuse. Violent acts occur at homes, schools, on the streets. The phenomenon of violence is complex one, and it is not easy to prevent it, to hold it under control and suppress it. The problem of CAN multidisciplinary and the approach to the issue should be corresponding.

Bosnia and Herzegovina (B&H) has dealt with these challenges along with multiple transitional processes ongoing for last two decades. Experiences so far indicate that effects of war (1992-1995), as well as democratic / economic transitions affected mostly the most vulnerable categories of society. Families that experience child abuse and neglect cases (hereinafter: CAN), as well as children who were victims of war are becoming additionally challenged in ensuring their rights. Overall complex administrative and political organisation in Bosnia and Herzegovina is impeding unified approach in CAN protection, data collection and single legal framework. Data collected during writing of this report confirms this discrepancy and concludes that existence of different strategies and methodologies in research make the comparison and analysis with CAN data difficult.

Centres for Social Services are main institutions for solving cases of child abuse. Their role is of great importance for appropriate and effective activities in discovering, diagnosing and processing cases relating to child abuse. According to data given by these institutions, the most frequent form of violence against children registered by the Centres is emotional abuse, followed by physical abuse, and then sexual abuse.

CAN is multifaceted problem that requires coordinated and sustainable approach in follow-up, registering and prevention. Consequences for victims are many and complex; therefore every type of aid must be based on a multi-institutional and multidisciplinary approach. Such approach, unfortunately, on the territory of B&H is not in practice. While analysing situation in Bosnia and Herzegovina several key issues are identified that are preventing successful action in solving this problem.

Not reporting child abuse in family (which is apparent, if one takes into account number of registered cases in any identified institution) is one of the characteristics of the B&H mentality, where family secrets are kept hidden, where even grave physical violence is seen as an appropriate discipline method. Second key problem identified, is lack of unified database about the abuse or neglect victims, as well as database of abusers. As the third key problem identified is lack of connection between relevant systems and cooperation of the competent authorities.

2. Current Situation concerning Child Abuse and Neglect

2.1. The Magnitude of the Problem:

Every day in the world millions of children are victims of abuse. Violent acts occur at homes, schools, on the streets. The phenomenon of violence is complex one, and it is not easy to prevent it, to hold it under control and suppress it. It is not only the problem of the profession (psychological or other), but rather a multidisciplinary issue. Bosnia and Herzegovina (B&H) has dealt with these challenges along with multiple transitional processes ongoing for last two decades. Experiences so far indicate that effects of war (1992-1995), as well as democratic / economic transitions affected mostly the most vulnerable categories of society. Families that experience *child abuse and neglect* cases (hereinafter: CAN), as well as children who were victims of war are becoming additionally challenged in ensuring their rights.

How much is awareness on CAN problem and its magnitude and prevalence in B&H presented among general public, governmental bodies and institutions specialised for CAN protection? To what extent are the rights of the child protected? The next few pages will describe the situation and overview of the situation in Bosnia and Herzegovina.

The 1995 General Framework Agreement for Peace (the Dayton Accords), provides for a democratic republic with a bicameral parliamentary assembly but assigns many governmental functions to the two entities. The Dayton Accords also provide for a high representative with the authority to impose legislation and remove officials. Bosnia and Herzegovina is administratively organised in two Entities and one District: Federation of Bosnia and Herzegovina (FB&H), Republic of Srpska (RS) and Brcko District (BD B&H). Federation of B&H is comprised of 10 Cantons, which consist of a number of municipalities. Republic of Srpska has only municipality level of local governance. Brcko District is a separate small administrative unit with few municipalities. Overall complex administrative and political organisation in the Country is impeding unified approach in CAN protection, data collection and single legal framework.

According to the official estimates, in 2007 the population in B&H was 3.447.153. The number of children under age of 19 is 852 413. (*Agency for Statistics of Bosnia and Herzegovina, Woman and Men in Bosnia and Herzegovina, 2009*). In B&H data on the problem of abuse, as well as many other social problems and occurrences are not unified; hence, a unified approach in data collection, systematisation and analysis of these occurrences is missing. Statistical data on B&H level are collected separately (on entity level) and data collection and processing are not unified. Very often the problem of CAN is not separate issue, but it is determined as a form of domestic abuse, so the majority of cases are reported and registered as such.

However, every police department in B&H has the obligation to collect data on the cases of domestic violence and to forward it to respective Cantonal/Entity Ministries As an example we are including data from the document: Draft strategy for fight against family violence in RS 2009 – 2013 (Government of RS, 2009) according to which Republic of Srpska does not have one database for information collection on victims of domestic abuse, but every institution, or NGO that deals with this problem has its own database based on the criteria that was developed by

each respective institution. Data collected during writing of this report confirms this discrepancy and concludes that existence of different strategies and methodologies in research make the comparison and analysis with CAN data difficult. The only available comprehensive report in B&H, dealing with prevention of violence against children, was *Initial Report on Violence against Children in Bosnia and Herzegovina* completed by the Council for Children of Bosnia and Herzegovina, in cooperation with international organization Save the Children Norway (*Council for Children of Bosnia and Herzegovina, 2006*). Trying to point out the seriousness of the problem in order to collect relevant data and presentation to the situation, the numerous organisations and institutions worked together on this project¹. Processed data were collected during four-year period (2000-2003), using unified research methodology for the entire Bosnia and Herzegovina. The target group were children who were subject to violence, and children in conflict with the law. However, relatively small number of reporting institutions submitted requested data this report included educational and health institutions. Unfortunately, they did not submit data about registered CAN cases in their institutions, which is one of the downfalls of this report. It is important to note in particular that health institutions, which keep records on cases of violence within emergency services, did not respond at all to our Questionnaire. This fact is very important for the observation of the problem of abuse. The following is the presentation of main conclusions and key institutions:²

1. Social protection institutions
2. Law Enforcement Agencies
3. Prosecutors' office

Furthermore, data collected for this report can be compared to more recent data and similar methodologies found in the *Report on Implementation of Strategy for Fight Against Violence on Children 2007-2010* (Council for Children, 2009). Data will be presented in a manner that it was collected, relating to aforementioned reports.

DATA FROM SOCIAL SERVICES

Centres for Social Services are main institutions for solving cases of child abuse. Their role is of great importance for appropriate and effective activities in discovering, diagnosing and processing cases relating to child abuse. According to data given by these institutions, the most frequent form of violence against children registered by the Centres is emotional abuse, followed by physical abuse, and then sexual abuse. Information collected by the Social Service Agencies in the Federation of B&H for the period 2002-2004 is displayed in tables 1, 2 and 3 (Council for Children, 2006:38).

¹ Ministry for Human Rights and Refugees of B&H, the Ministry of Justice of B&H, representatives from the Brčko District, Entity Ministries of Education, Justice, Interior, Health, Social Policy (Child Protection), representatives from Agencies for Statistics (B&H, B&HFB&H, RS), representatives from the Social Service Agencies and NGOs "Naša djeca" Sarajevo, "Medica" Zenica, "Budućnost" Modriča, "Ženski centar" Trebinje, "Budi moj prijatelj" Sarajevo and "Proni" Brčko.

² This report included educational and health institutions. Unfortunately, they did not submit data about registered CAN cases in their institutions, which is one of the downfalls of this report. It is important to note in particular that health institutions, which keep records on cases of violence within emergency services, did not respond at all to our Questionnaire. This fact is very important for the observation of the problem of abuse.

Table 1
Overview of child abuse in the Federation of Bosnia and Herzegovina in 2002

Age	Physical violen		Emotional viol		Sexual violence		Other forms of		TOTAL		
	M	F	M	F	M	F	M	F	M	F	M+F
0-3	11	5	16	20	0	0	4	3	31	28	59
4-6	20	21	48	46	1	0	10	9	79	76	155
7-14	88	78	110	131	21	2	15	19	234	230	464
15-18	60	80	67	123	5	12	27	20	159	235	394
Total	179	184	241	320	27	14	56	51	503	569	1072

Table 2
Overview of child abuse in the Federation of Bosnia and Herzegovina in 2003

Age	Physical violen		Emotional vid		Sexual violence		Other forms of		TOTAL		
	M	F	M	F	M	F	M	F	M	F	M+F
0-3	18	11	26	19	0	0	22	20	66	50	116
4-6	48	44	40	50	2	1	20	18	110	113	223
7-14	137	168	146	170	2	6	40	27	325	371	696
15-18	92	159	91	133	2	9	42	28	227	329	556
Total	295	382	303	372	6	16	124	93	728	863	1591

Table 3
Overview of child abuse in the Federation of Bosnia and Herzegovina in 2004

Age	Physical violence		Emotional violer		Sexual violence		Other forms of v		TOTAL		
	M	F	M	F	M	F	M	F	M	F	M+F
0-3	11	9	20	16	0	0	17	16	48	41	89
4-6	27	41	28	32	2	2	17	28	74	103	177
7-14	128	144	111	142	2	12	34	32	275	330	605
15-18	92	143	82	140	2	16	34	28	210	327	537
Total	258	337	241	330	6	30	102	104	607	801	1408

If we compare available data by form of abuse (tables 1, 2 and 3), the majority of registered cases relate to emotional abuse. Emotional abuse almost always includes physical abuse, so, not surprisingly, data from the F B&H Social Service Agency shows this as the broad form of abuse and, according to the data collected, a substantial increase. According to data collected, the most frequent abusers are parents. In 48% of cases, fathers are abusers, while in 28% of cases abusers are mothers.

Despite the research for the *Initial Report on Violence against Children in Bosnia and Herzegovina*, the same methodology could not bring forth data for the same time frame for the territory of RS, data offered by the Ombudsman of the RS (2004) shows that domestic violence occurs widely. The Ombudsman of Republic of Srpska, within the project “Protection of the Rights of the Child”, in February and March 2004, collected data from the Social Service Agencies regarding the number of children who were victims of abuse, the form of abuse and the most frequent abusers, The most common form of abuse reported to the Centres in 2002, according to this study is (N=204) emotional abuse (71%), then physical abuse (28%), followed by sexual abuse (1%). In 2003, number of reported CAN cases grew by 68, but the ratio of representation of different forms of CAN stayed the same In cases of abuse of children’s fathers are more often reported as abusers (48%) than mothers (23%).

As we can see in both Entities Centres for Social Work collected very similar data for this period. The majority of registered cases relate to emotional abuse and it is

followed by physical and sexual abuse. The most common perpetrators of abuse in both Entities are fathers.

More recent data (Council for Children BH, 2009) from Agency for Social Services shows more distinct differences in number of child abuse cases in the field of social care. Compared with 2007, in 2008 there is a growth of about 50% in registered cases. It is assumed that the number of actual CAN cases has not grown, but the number in reporting such cases has grown. This data can be an outcome of clear Strategy³ and B&H determination to be more sensible and act with more determination on the field. According to this data sex structure of children victims for the named period of 2007-2008 is almost equal (boys 52%; girls 48%).

The difference is noticeable in the registration of most common forms of abuse reported by the Centres. For this period (2007-2008) neglect is the most common form of abuse (27%) as well as economic exploitation (26%), which displays great difference when compared to data collected for 2004.

DATA FROM MINISTRIES OF INTERNAL AFFAIRS

Data provided by the Ministries of Internal Affairs (Council for Children, 2009) for the period of four years (2005 – 2008) shows that the most common forms of CAN are physical abuse, economic exploitation, sexual abuse and psychological abuse (Table 1)

	Economic exploitation	Neglect	Sexual abuse	Grave physical abuse	Physical abuse	Psychological abuse
2005-2008	136	30	93	33	376	75

Table 1 Frequency of reporting different forms of CAN to the Internal Affairs for the period 2005-2008 (Council for Children BH, 2009).

This data is somewhat different than the data provided by the Social Services for the same time period, but it is obvious that both sectors are reporting physical abuse as the most common form of abuse. Brkic research (2001, 2007) also shows a significant prevalence of physical abuse of children at home. According to this research, physical abuse is the most common form of abuse. Given data on the physical abuse, as the most common form of abuse, is confirmed by the data collected by the NGOs, as well as published information in the media. According to the Periodic Review on child protection_ (*Working Group on Child Protection, 2009*) most common form of abuse is physical, since domestic abuse is on the rise where children are subject of abuse, either directly, or as witnesses of abuse.

If we look at criminal and misdemeanour offences for CAN cases in B&H during the period 2005-2008, police has submitted 3795 cases, where only one third of cases are criminal offences (N=1279). While reporting about multi-institutional approach only 33% of institutions reported that they use multi - institutional approach in dealing with CAN cases. (exchange of information, case handling and data processing). This is one

³ In B&H National strategy for combating violence against children 2007 - 2010 was adopted in 2007.

of the key elements lacking in the system, which is reflecting on the protection of victim, as well as victim's right protection as it is guaranteed by the B&H legislature.

More recent data by the FB&H Police Directorate (2009) for nine month period (January – September 2009) identify 574 criminal cases regarding acts against marriage, family and youth, which is 237 (41,3%) less when compared with the same time period in 2008. During the mentioned period 83 criminal cases against sexual freedom and moral are reported, which is 22 (26,5%) less, within which are 13 rapes, which is 1 (7,1%) less, when compared to same period in 2008. Also, 35 criminal cases are registered relating to adultery, which is 2 (6%) more, coercing to prostitution – nine (less for 6), and sexual relationship with a child, - nine (same in comparison to the same time period in 2008). Besides criminal cases of domestic child abuse, also there are registered following criminal acts: Out of wedlock relationship with a minor – 28 (seven more); Neglect or abuse of a child or a minor – four (three less); and Avoiding support - five (three more), etc.

For the same time period, Ministry of Internal Affairs of RS (2009) recorded 250 domestic abuse cases, which is 33 (3%) less compared to the same time period in 2008 (373 reports of domestic abuse). Number of reported criminal acts is 17% less when compared to 2007 and 4% when compared with 2006 (Government of RS, 2009). According to the Internal Affairs of RS data, in 97,4% noted cases of abuse, abusers are men, mainly lower educational level and of different occupations. About 80% of victims are women and then children. But we must be reminded that children, who are witnesses of abuse, are always victims of abuse, and that these domestic conditions leave permanent trace on their development even if they are not direct victims of abuse, they should be treated as victims of abuse, which is rare on the part of the officials.

Despite the fact that more recent data, provided by the Ministry of Internal Affairs of RS and FB&H, are referring to data collected on the domestic abuse, it still can show abuse trends over children, because in most number of cases that happens in families, child becomes a witness, and thereby becoming an indirect or direct victim. According to provided data most of the cases of grave domestic violence occur in rural areas, which are mostly patriarchal, and such communities are more traditional in practices that they observe. A large number of abuse cases that are lighter in character are not reported because of norms of the community, but also because of the fear of victim in regards to judgement of their community, dependency on family, as well as because of the lack of the sensibility on the part of the environment where they live.

Data from courts and prosecutors' offices

The following are research results conducted by the Council for Children of B&H as a part of the Project implemented in cooperation with Save the Children Norway (Council for children, 2006). It includes data from courts and prosecutors' offices collected at the State level. Within this Project 36% of the data requested has been collected from courts and prosecutors' offices in B&H. According to the data collected for the period 2000-2003, there is an increase of 40% in misdemeanour and criminal proceedings against adults as abusers of children between 2000 and 2003. A somewhat smaller increase is recorded for 2003. Data collected indicating gender of the victim shows an almost equal number of girl and boy victims, although the

number of cases of violence against boys is obviously larger. If we compare the total number disaggregated by the form of violence, girls and boys were almost equally subjected to emotional and physical abuse. The data collected disaggregated by form of violence shows that most cases of violence are physical abuse (minor and severe injuries), negligence, and mental abuse.

Data on the duration of violence is particularly worrying. It shows that in 50% of cases the violence lasted for a longer period (one or two years). In cases of domestic violence, the father is usually the abuser. Data on the children/victims subjected to violence shows an increase over time and show that children 7-18 years old are exposed to violence the most. Furthermore, children under 6 years old are increasingly registered as victims as well.

More recent data from the judiciary sector includes data that relates to the CAN abusers, as well as their relationship with the victim (Council for children, 2009). Based on this information, in most cases abuser is the biological father. Other abusers are identified as other family members, individuals that are not related to the victim, biological mother, stepfather, stepmother, brother and sister, as well as other individuals such as guardians and custodians.

The Questionnaire forwarded to the judiciary sector included a question regarding the judicial penalties of child abusers, actually if the given punishment is adequate. Despite the fact that repercussions are more severe for the perpetrators of child abuse, general conclusion and suggestion given by the majority of institutions is that judicial penalties are not efficient, and that in majority of cases punishments are relatively mild taken into account that judicial punishments allowed by law for such crimes are much harsher.

Other data resources

There is a vast abuse of children for “work on the streets”, meaning begging, car window washing, selling cigarettes, etc. These tendencies are in constant growth. Most common abusers in these cases of child abuse are parents. Quite often, children who are exploited in the above mentioned manner, become victims of organized crime, as well as sexual exploitation.

Research data provided by the NGO “Zemlja djece” from Tuzla, shows that between 100 and 200 children, age from 1 through 16 are economically exploited on daily basis in larger urban settings (ICVA, 2009). Children between age 7 through 17 were questioned. 75% of them state that they do not attend school, 25% state that they never attended school, and that they are illiterate. They live in improvised, inadequate and abandoned households. Some 30% are malnourished or anaemic, and in most cases they and their families do not receive help or protection from social services. Forcing children to work is done by parents, and family’s existence is used as excuse.

These children are severely neglected in upbringing, hygiene, health, and education. Research «Children Speak: What Influences Child Trafficking in South-Eastern Europe – Report from B&H» (Powell, 2007), shows a high occurrence of this form of exploitation on the B&H territory shows a high occurrence of this form of exploitation on the B&H territory. Below, ten-year-old girl explains why she begs on the streets: «*My mother does not force me, but she tells me to go and earn a particular amount,*

so I go. I bring, because I know we need it, if I do not go, there would be no one to feed my mother. She fed me and raised me. If she were different, she could have left me naked and barefoot, and then I would not live anymore, the same way if I kill a fly now, it would not be living.»

The findings from the *Initial Report on Violence Against Children in Bosnia and Herzegovina* confirm that a number of children were the object of trafficking for the purpose of sexual exploitation over the period of four years (1999 – 2003). The total number of reported cases of 100 to 160 is significant, but can only indicate how many children were trafficked for the purpose of sexual abuse into B&H or trafficked for the purpose of abuse taking place within the territory of B&H. We may assume that the actual number is even larger. It is also possible to conclude that both, boys and girls (girls to a larger extent) are victims. The numbers vary over time. In comparison to other forms of violence (physical and emotional), sexual abuse is the least present. (Council for children, 2006)

Newspaper articles

The latest relevant research about newspaper articles and data regarding abuse and child abuse was conducted by the Centre for Human Rights of the University of Sarajevo⁴. As the part of the study, the publication is looking at the sexual abuse and other forms of violence, special protection of family and children, violence over children and the right of children. According to report, media reporting in articles dealing with cases of sexual abuse and other forms of violence against minors are full of sensationalism. Apart from incest cases, topic of minor prostitutes was also present in the analysed period. (...) This topic is related to the rights of a child, abuse and crime committed over a child. The same case can be seen regarding topics related to trafficking of minors. But, mentioned articles were less in comparison with previously mentioned topics of juvenile delinquency and education.“ Problems of domestic violence are among most present topics. One of the events, on which media reported, was assault of mother on a child. „Two-and-a-half Year Old Son Stabbed by Kitchen Knife (title): „ Branka Komnenić (46) from Trebinje injured her two-and-a-half year old son with several stabs by kitchen knife two nights ago. He was taken to the Intensive Care Department at the General Hospital in Trebinje and his health condition is so far stable. Prosecutor, Obrad Rajičević, stated that the mother tried to kill her son by a kitchen knife after she took him from apartment to nearby grove in settlement Tini where they live.“ (Human Right Centre University of Sarajevo, 2009: 520 – 524).

2.2. Identified limitations/gaps

CAN is multifaceted problem that requires coordinated and sustainable approach in follow-up, registering and prevention. Consequences for victims are many and complex; therefore every type of aid must be based on a multi-institutional and multidisciplinary approach. Such approach, unfortunately, on the territory of B&H is not in practice. While analysing situation in Bosnia and Herzegovina several key issues are identified that are preventing successful action in solving this problem.

⁴ Centre for Human Rights of the University of Sarajevo, State of Human Rights in Bosnia and Herzegovina in 2008, Sarajevo, 2009.

First, there is lack of awareness in society as a whole about the scale and increase of child abuse cases in Bosnia and Herzegovina. There are various indicators that support the statement about the lack of awareness, and we will mention just a few.

Not reporting child abuse in family (which is apparent, if one takes into account number of registered cases in any identified institution) is one of the characteristics of the B&H mentality, where family secrets are kept hidden, where even grave physical violence is seen as an appropriate discipline method. On the other hand, there is a lack of preventive programmes, campaigns that would raise awareness as well as educate about child abuse in family and how to deal with it. As a consequence of victim's lack of knowledge of their options and rights, tolerance or silent approval of abuse, will only prolong abuse within the family. Because of this state of unawareness and lack of education about the problem of child abuse and child neglect, quite often, even individuals (parents, police officers, teachers, psychologists, social workers, health workers, and others) that come into contact with children on daily basis are unable to see the signs of CAN problem. The idea that such cases should not be disclosed outside the family, as well as lack of awareness about abuse as a social problem, is a large obstacle for a successful approach to CAN problem solution.

Second key problem identified, is lack of unified database about the abuse or neglect victims, as well as database of abusers. Statistics on children victims of abuse is lacking, which is an underlying obstacle in carrying out the reform agenda. In case study on CAN in B&H we have identified several institutions that keep different data, but none of them keep data specific to a problem of child abuse and neglect. Developing a unified database of abusers and victims of abuse should be regulated by by-laws, where it would be noted that all pertinent institutions must develop and upkeep such databases according to unified criteria. It is important to set up standards and methodology for data collection related to children.

As the third key problem identified is lack of connection between relevant systems and cooperation of the competent authorities. Police and judiciary work, information exchange, and fruitful cooperation between relevant institutions, establishments and organs is complicated because of lack of unified database relating to child abuse and abuser in B&H. Unfortunately, B&H legislature does not define, or elaborate how to exchange official information and how to deal with children who are abused in different situations (variables) depending on the institution where the victim, or someone else reported abuse, to police, or to social agency, or directly to a prosecutor's office, or to educational institution, or to an NGO.⁵ Multi-sector coordination between the institutions in the system is largely lacking.

All of the above-mentioned problems identified are in large part due to the administrative organization and fragmentation of B&H society in administrative, political and legal terms respectively, which in itself presents an obstacle in efficient functioning of CAN prevention.

⁵ Chapter 3 regarding the legal framework of CAN will in more detail describe work of institutions

3. National Legal Framework about Child Abuse and Neglect

3.1. Conventions

Bosnia and Herzegovina in its legal system included international legal sources in three ways. Using the first way, the international legal instruments for human rights protection were placed on the same level of legal force as B&H constitutions and the constitutions' annexes in the following way: in B&H Constitution (Annex IV of Dayton Peace Agreement) through Annex 6 of Dayton Peace Agreement (16 conventions) and F B&H Constitution through Annex of the Constitution (21 conventions). Some of those legal sources have advantage in their implementation over domestic laws (such as European Convention for the Protection of Human Rights and Fundamental Freedoms which is determined by the Constitution of B&H). According to B&H Constitution, these conventions present the constituent part of legal system of Bosnia and Herzegovina and its entities and interpretation of legal norms can not be treated separately from general rules of the international law. Giving a specific emphasis in B&H Constitution on respect of human rights in general, thereby children's rights, Bosnia and Herzegovina decided to have general principles of international law as the foundation of its legal system. This is exactly the second way in which sources of international law acquire legal force in the legal system of B&H i.e. sources of international law are being directly applied as general rules and principles in the legal order of B&H. Their formulation in domestic legislation is obtained in the laws related to areas they determine. In that way, for example, Beijing and Tokyo rules and principles which are proclaimed, have been included in a proposal of Law on juveniles who committed criminal actions and Law on criminal and legal protection of children and juveniles. International conventions which are not listed in the Constitutions of B&H and entities are applied on the basis of act on ratification which is passed by the Parliamentary Assembly of Bosnia and Herzegovina and that is the third way of including international legal sources in the legal system of B&H .

International conventions have major significance in legislation of a signatory state and the state agrees to (The Council for Children, 2006:12):

1. Ensure administrative and other measures with the purpose of implementation of conventions and protocols which it ratified;
2. harmonize its national legislation with all accepted international standards in all areas which are being treated by the mentioned conventions and protocols and to
3. take all measures needed for implementation of the ratified conventions and protocols

Tracing the listed facts, Constitutions of B&H and entities (B&H Federation and Republic of Srpska) apart from having provisions with the lists of international instruments of protection (Constitution of B&H and Constitution of RS) also indicate to obligation of implementation of international standards in accordance with the conventions ratified by Bosnia and Herzegovina. Also, all laws passed in Bosnia and Herzegovina obligatory include standards which are determined by the conventions and protocols signed by B&H and by standards of conventions and protocols which contain general rules and principles of international law.

In order to particularly emphasise the significance of international legal documents for the legal system of Bosnia and Herzegovina, the following is the list of key documents signed by Bosnia and Herzegovina relevant to issue of children's abuse and neglect:

- UN Declaration of basic principles of justice for victims of crime and abuse of Power;
- The European Convention on the compensation of victims of violent crimes (1983)
- EU Convention for the prevention of torture and inhuman or degrading treatment or punishment
- European Convention for the protection of human rights and fundamental freedoms
- Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography
- Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict.
- Hague Convention 28 on civil aspects of international child abduction (1980)
- Convention on the rights of the Child (CRC) (1989)
- Convention on racial discrimination;
- Convention on the elimination of all forms of discrimination against women (1980)
- UN Convention against transnational organized crime
- Convention on international labour organization (ILO); Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour, number C182 (1999)
- Convention on cyber crime of the European Council
- International Convention against torture and other cruel, inhuman and degrading treatment or punishment;
- International Covenant on civil and political rights;

- Millennium Declaration
- United Nations Rules for the protection of juveniles deprived of the liberty (1990)
- Protocol to prevent, suppress and punish trafficking in persons, especially women and children which complements UN Convention against transnational organized crime, Palermo 2000
- Revised European Social Charter
- United Nations Guidelines for the prevention of juvenile delinquency (The Riyadh Guidelines, 1990)
- United Nations Standard Minimum Rules for non-custodial measures (The Tokyo Rules, 1990)
- UN Standard Minimum Rules for the administration of juvenile justice (The Beijing Rules, 1985);

3.2. Identified limitations/gaps in the Conventions

Although the Constitution of B&H and the Constitution of entities either give certain advantage to international conventions in appliance over the domestic laws or they

have the force of constitutional provisions, implementation of these laws in practice is not so simple. According to researches conducted by the Human Rights Centre University of Sarajevo (2009) the constitution's creators by giving the legal force to the international conventions which is even more powerful than the legal force given to the constitution wanted to achieve their immediate implementation in order to facilitate implementation of international human rights standards in complex constitutional and legal framework in B&H.

However, the difficulties in implementation of conventions and their status in the national legislation in B&H are present. As the Human Right Report for 2008 indicates: „The list containing the rights which are implemented in B&H can seem impressive but its deficiency is the fact that the Constitutional Court of B&H applies these documents only after an appellant or a request submitter referred to discrimination from Article II/4 of the Constitution of B&H. That provision represents the 'key' which 'unlocks' the doors for implementation of all these documents and that makes their implementation more difficult“ (Human Rights Centre University of Sarajevo 2009:41).

On the other side, the process of ratification of new international documents for human rights protection refers to non-existence of automatism in implementation of newly-ratified documents for human rights protection. „If the Parliamentary Assembly of B&H ratified certain international convention, it could not be implemented in a process at the Constitutional Court unless the ratification was followed by an action of amendment in the Constitution of B&H. The Constitutional Court evaluates exclusively the constitutionality and not the legitimacy (exceptions are issues forwarded by the ordinary courts from Article VI/3c) of the Constitution of B&H) and that prevents 'involvement' of new documents for human rights protection in the authority scope of the Constitutional Court and thereby it decreases the scope of rights protected.“ (University of Sarajevo Human Rights Centre, 2009:41).

Ombudsman of B&H (2009) even indicates that deficiency of direct implementation of international standards, among other things, is the result of insufficient education of the authorized persons on possibilities of their direct implementation, especially of the police staff, judges, prosecutors and social workers. In accordance with the mentioned it is necessary to urgently take certain measures with the purpose of ensuring direct implementation of the international standards in practice, especially considering the fact that there is lack of harmonization of the national legislation with the international standards.

3.2 National laws

In the analysis of the national laws, only laws relevant to CAN will be included.

1. Criminal laws (B&H, FB&H, RS, BD B&H)⁶
2. Family laws (FB&H and RS)⁷

⁶ Criminal Law B&H(„Official Gazette BiH. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10) hereinafter: „CL B&H“;

Criminal Law B&HF B&H(„Official Gazette F B&H. 36/03, 37/03, 21/04 18/05) hereinafter: „CL FB&H“;

Criminal Law RS („Official Gazette RS“, 49/03, 108/04, 37/06 i 70/ 06) hereinafter: „CL RS“;

Criminal Law Brčko District („Official Gazette BD B&H“, 10/03 i 6/05) hereinafter: „CL BDB&H“.

⁷ Family Law B&HF B&H(„Official Gazette FB&H 35/05/ 4105) hereinafter: „FL FB&H“; Family Law RS ("Official Gazette RS", 54/02 i 14/08) hereinafter: „FL RS“;

3. Laws on protection against family violence (FB&H, RS)⁸
4. Law on child protection⁹

Through a review of laws in B&H the following elements will be inspected:

1. legal definition of child's abuse and neglect;
2. regulation of prohibition of child's abuse and neglect;
3. specific forms of child's abuse and neglect as legally defined;
4. specific obligations to report on child' abuse and neglect as legally defined;
5. specific protection measures and measures of support to a victim of abuse and neglect in legal terms;
6. specific legal sanctions and police penalties for offenders of CAN in legal terms;
7. prevention of CAN within the legal framework.

1. Definition of CAN in B&H laws

Child's abuse and neglect „include every form of physical and/or emotional violence, sexual abuse, neglect and negligent treatment, economic and other forms of exploitation which cause real or potential damage to a child's health, existence, development and dignity in terms of responsibility, trust and power“ (Mian, 2001, according to Pećnik 2003:14). By defining CAN in this or any similar way through an analysis of the main laws which could be used to observe the national regulation of CAN, we came to conclusions that no definition was provided in any of those laws which would clearly define the problem of CAN. This problem is considered and legally regulated as one form of family violence and we will represent it in that way.

Legislation on protection against violence

Laws on protection against violence in F B&H and RS very similarly define violence in family and stipulate that any action which causes physical, sexual or economic damage or suffering as well as any threat on the mentioned actions, or not doing anything in the mentioned actions which seriously confine family members¹⁰

2. The prohibition of child abuse and neglect in B&H laws

Criminal legislation

Family Law Brčko District („Official Gazette BD B&H, 23/07) hereinafter: „FL BDB&H”.

⁸ Law on protection against family violence FB&H („Official Gazette FB&H 22/05 51/06) hereinafter: „LPAFV FB&H“; Law on protection against family violence RS („Official Gazette RS“, 118/ 05 17/ 08) hereinafter: „LPAFV RS”.

⁹ The Law on basics of social protection, protection of civil war victims and protection of family with children in FB&H ("Official Gazette FB&H", 36/99, 54/04, 39/06 14/09) hereinafter: „LBSP FB&H“; The Law on child protection RS ("Official Gazette RS", 4/02, 17/08 1/09) hereinafter: „LCP RS“; The Law on child protection BD B&H („Official Gazette BD B&H 1/03, 4/04, 25/05, 19/07 2/08) hereinafter: LCP BDB&H.

¹⁰ Article 6 LPAFV FB&H, Article 6 LPAFV RS

In criminal laws of FB&H, RS and BD B&H family violence is sanctioned and punishable for a person who by his violent, arrogant or ruthless behaviour jeopardize peace, physical integrity or mental health of his family member¹¹.

These laws in their articles which describe different forms of CAN mostly regulate sanctions for offenders of such behaviour. Any person, a parent, an adopter, a guardian or any other person who seriously neglects his/her duties of caring for a child's or a juvenile's upbringing will be punished.¹² A punishment is also provided for a person who abuses a child or a juvenile, forces him to overwork or to begging, or forces him due to his self-interests on actions and behaviour which are harmful for child's development.¹³

Although the parts of the criminal law of FB&H, RS and BD B&H related to infliction of physical injuries do not mention exclusively the sanctions for physical injuries of children, item 3 of this Article in the criminal laws of FB&H, RS and BD B&H stipulates that if a child or a juvenile is severely injured or if his health is seriously endangered, or if due to a criminal act provided for in the first two items a child started with begging, prostitution or other forms of deviant behaviour or delinquency, the person who committed this action shall be sanctioned.¹⁴

Family legislation

In family laws of the entities and of BD B&H provisions are included whose purpose is to protect a child from violent behaviour, abuse or neglect, thus Family Law of F B&H provides for a child' right to be protected from all forms of violence, maltreatment, abuse and neglect¹⁵, Family Law of RS stipulates that parents and other family members must not expose a child to humiliating actions, mental or physical punishment, i.e. to abuse¹⁶, and Family Law of BDB&H is the only law to explicitly *prohibit* violent behaviour in a family which implies any kind of behaviour which has signs of criminal violence action in a family regulated by the Criminal Law of BDB&H.¹⁷

Legislation on protection against violence

RS Law on Protection Against Violence in Family explicitly prohibits any form of violence¹⁸ in family and alike the Law on Protection Against Violence of F B&H stipulates for prevention and sanctioning of violence offenders through given mechanisms including protective measures and punishment,¹⁹ and it particularly emphasises that family violence committed against women and children within a family represents severe violation of women's and children's human rights²⁰.

¹¹ Article 222, paragraph 1 CL FB&H, Article 208, paragraph 1 CL RS and Article 218, paragraph 1 B&HCL BDB&H

¹² Article 219, paragraph 1 CL FB&H, Article 207 paragraph 1 CL RS; Article 216, paragraph 1 CL BDB&H

¹³ Article 219, paragraph 2 CL FB&H, Article 207, paragraph 2 CL RS Article 216 paragraph, 2 CL BDB&H

¹⁴ Article 219 paragraph 3 CL FB&H, Article 207, paragraph 3 CLRS i Article 216 paragraph 3 CL BDB&H

¹⁵ Article 127 FL FB&H.

¹⁶ Article 97, paragraph 1 FL RS.

¹⁷ Article 3 FL BDB&H

¹⁸ Article 6 LPAFV RS

¹⁹ Article 2 LPAFV RS, also LPAFV FB&H

²⁰ Article 6, paragraph 2 LPAFV RS

3. Forms of child abuse and neglect treated in B&H laws

The literature dealing with CAN issue is mostly indicating the following occurrences:

- Physical abuse - intentional infliction of physical injuries and it includes physical aggression against child (Hansen and Warner, 1992, according to Pećnik 2003);
- Emotional (verbal, mental) abuse – destructive behaviour of adults towards children which includes hostile behaviour and lack of positive approaches (Kocijan Hercigonja, 1999);
- Sexual abuse – is any kind of sexual contact between a child and an adult or an adolescent who is five or more years older than a child victim, imposed on a child who is not emotionally, motivationally and cognitively matured for such contact (Buljan Flander, 2003);
- Economic abuse (exploitation, abuse of a «child's role») – exposing children to labours which disable their normal growth and development preventing them in other rights. (ILO, 1998.)
- Neglect – lack of appropriate care and treatment of adults towards a child which significantly influence his physical and mental development (Kocijan Hercigonja, Buljan Flander, 2003).

Criminal laws

Considering abuse and its forms in the abovementioned way, in the criminal law of B&H we find articles directly related to the problem of *child abuse within trafficking in persons*, according to which, the persons who recruit, transport, turn over or accept a child or a juvenile for the purpose of prostitution or other forms of sexual abuse, forced labour or services, slavery or any similar relationship, removal of human body parts or any other forms of exploitation shall be sentenced to at least five-year imprisonment²¹.

Sexual abuse of children is treated in provisions which relate to international recruit for prostitution²². According to the law, the person who recruits, lures or entraps a child or a juvenile to provide sexual services for the purpose of profit in certain state or the person who uses force or deception to make a child or a juvenile to go to a state in which he/she has not got his/her residence or whose citizenship he/she has not got, for the purpose of providing sexual services for money shall be sentenced to prison from one to ten years. It is important to highlight that these criminal acts committed to children and juveniles in the Criminal Law of B&H present severe criminal offences according to which the offenders face more severe punishments.

²¹ Article 186, paragraphs 1 and 2 CL B&H

²² Article 187, item 1, 2 and 3 CC B&H.

Unlike the Criminal law of B&H, the entities' laws and the law of BD B&H contain articles which relate to criminal actions depending on form of violence committed against a child victim but neither these laws contain definition of child abuse and neglect which would enable unambiguous and consistent implementation of criminal punishment according to severity of a committed action. The criminal laws of F B&H and RS determines which behaviours are considered to be felonies. The entities' laws and the law of BD B&H contain provisions related to physical, sexual and mental / emotional violence whereas neglect and economic violence against children are only found under the provisions related to avoidance of child support.

Felonies against children and juveniles listed in the Criminal Laws of FB&H, RS and BD B&H are:

Rape – is defined as an action when one person forces the other one, by using force or a threat on his/her life or body or threat on life or body of a person close to him/her, to sexual intercourse or sexual act. *All three legal frames provide for more severe punishment for the offender if an act of rape was done over a juvenile person.*²³

Sexual relation through position abuse – sanctions are provided if a teacher, educator, parent, adopter, guardian, stepfather, stepmother or other person who misuses his/her position which was given to him/her for the purpose of teaching, upbringing, care and custody, enters into sexual intercourse with him/her or any sexual act.²⁴

Sexual relation with a child – sexual relation with a child is a criminal action and in these terms on the basis of sanction (severity) we distinguish a sexual relation with a child and a violent sexual relation with a child.²⁵

Procures a juvenile for debauchery – debauchery with the child or a juvenile is a criminal action as well as procuring a child or a juvenile to such actions²⁶. The Criminal law of RS also stipulates that debauchery with a child or a juvenile is a criminal act. *Criminal law of RS does not explicitly list acts of indecency as forms of sexual violence against children* whereas Criminal laws of F B&H and BD B&H stipulates that acts of indecency done to children and juveniles are criminal acts according to Article 208 (Criminal law of FB&H) and Article 206 (Criminal law of BD).

Forcing to prostitution – In the Criminal laws of F B&H and BD B&H forcing, stimulating and attracting someone else to provide sexual services or enabling his/her delivery to other person for the purpose of providing sexual services or any other kind of participation in organizing or managing sexual services provision is considered as criminal act whereas the mentioned actions against children and juveniles are considered as severe forms of criminal actions and the sanctions for them are therefore more severe²⁷. The same provision exists in the Criminal law of RS but is

²³ Article 203, paragraph 5 CL FB&H; Article 193, paragraph 2 CL RS, Article 202, paragraph 5 CL BDB&H.

²⁴ Article 206, paragraph 2) CL FB&H; Article 195, paragraph 3 CL RS; Article 202, paragraph 2) CL BDB&H.

²⁵ Article 207 CL FB&H; Article 195 CL RS; Article 204 CL BDB&H.

²⁶ Article 209 CL FB&H; Article 206 CL BDB&H.

²⁷ Article 210, paragraph 4 CL FB&H; Article 207, paragraph 4) CL BDB&H.

classified under *Trafficking in Persons for the purpose of prostitution*²⁸ which stipulates that these actions committed to children or juveniles are to be more severely sanctioned.

Abuse of child or juvenile for the purpose of pornography – this form of sexual abuse of children is regulated as criminal law in all three criminal laws of entities and BD. Criminal laws of F B&H and BD B&H define this act as taking photos of a child or a juvenile for the purpose of photos' production, audio-visual materials or other materials containing pornographic contents, or possession, import or export and dissolution or display of such materials, forcing to participation in pornographic show²⁹. In the Criminal law of RS this form of child abuse is treated under two legal provisions: using of children and juveniles for pornography³⁰ and production and display of children's pornography.³¹ Within the provision - display of children's pornography (Article 200), the Criminal Law of RS goes further than F B&H and BD B&H and defines which material is considered as pornographic and that is the material which visually presents a child or a juvenile who is a participant of evident sexual behaviour and realistic photos which show a child or a juvenile person who participates in evident sexual behaviour.

The Criminal Law of RS does not consider presentation of pornography to a child as criminal action whereas the laws of F B&H and BD B&H stipulates sanctions for a person who sells, displays or publicly presents or in any other way makes records, photos, audiovisual and other pornographic material available to a child or presents him/her a pornographic show³².

Incest - as a form of sexual violence and is regulated as criminal action in case when a person commits a sexual intercourse or sexual relation with a relative in the direct family line or with a brother or a sister. The Criminal Laws of FB&H, RS and BD B&H differentiate offenders of this action over a child and a juvenile whereas the more severe sanction is provided for this action over a child.³³

Abandonment of a child – The Criminal law of F B&H (Article 220) explicitly defines a child's abandonment as a criminal action with the purpose of permanent abandonment whereas this provision is not explicitly defined in the Criminal laws of RS and BD B&H but there are sanctions regulated for abandonment of disabled person who is mentioned in all three Laws.

Abandonment of a disabled person – the laws of the entities and BD B&H contain this provision which in all three legislations defines punishment for any person who leaves a disabled person who was entrusted to him/her or for whom he/she is obliged to take care of in circumstances which are dangerous for health and life. This provision is also related to abandonment of disabled persons that is of children.³⁴

²⁸ Article 198, paragraph 4 CC RS

²⁹ Article 211 CLFB&H; Article 208 CL BDB&H

³⁰ Article 199 CC RS

³¹ Article 200 CC RS

³² Article 212 CL FB&H; Article 209 CL BDB&H.

³³ Article 213 CL FB&H; Article 201 CL RS; Article 210 CL BDB&H.

³⁴ Article 176 CL FB&H; Article 160 CL RS; Article 173 CL BDB&H.

Violation of family obligations - there are regulated sanctions for persons who by severe violation of his/her legal family obligations put in a difficult position a family member who is not able to take care of himself³⁵.

Avoidance of support - The Criminal Laws of FB&H, RS and BD B&H define sanctions for a person who avoids supporting and who is obliged to do so according to a judge decision or to an arrangement agreed at any other authorized body³⁶.

Possession of drugs and enabling of drugs usage – sanctions are defined for a person who forces other person/s to use drugs or if he gives that person some drugs to be used by him or any other person or if he puts at disposal his premises for the purpose of drugs usage or if he in any other way enables other person to use drugs³⁷. The law stipulates more severe sanctions for persons who commit the mentioned actions to children and juveniles³⁸.

Family legislation

The Family law of RS especially considers cases of physical and mental violence against children as abuse of parent's right as well as sexual abuse of child; child's exploitation; forcing to use of alcohol, drugs or other harmful substances as well as forcing a child to any kind of socially unacceptable behaviour³⁹. This law sanctions emotional abuse and physical punishment in a way that parents and other family members must not expose a child neither to humiliating actions nor to mental or physical punishment.⁴⁰ Family law of BDB&H explicitly prohibits violent behaviour in a family,⁴¹ whereas the Family law of F B&H gives parents obligation and right to protect child from any kind of vices, including sexual abuse⁴².

Legislation on protection against violence

Law on protection against family violence of FB&H⁴³ in almost identical way as the Law on protection against family violence of RS⁴⁴ as forms of family violence provides the following:

1. Physical violence
 - a. Physical assault on a family member to another family member regardless of existence or non-existence of physical injuries;

³⁵ Article 221 paragraph 1 CL FB&H, CL RS Article 209 paragraph 1 CL BD B&H Art. 217 paragraph 1.

³⁶ Article 223, paragraph 1 CL FB&H, Article 210, paragraph 1 CL RS and Article 219, paragraph 1 CL BD B&H.

³⁷ Article 239, paragraph 1 CL FB&H, Article 225, paragraph 1 CL RS, Article 223 paragraph 1 CL BDB&H

³⁸ Article 239, paragraph 2 CL FB&H, Article 225, paragraph 2 CL RS, Article 223 paragraph 2 CL BDB&H

³⁹ FL RS Article 97, paragraph 1 in accordance to Article 106.

⁴⁰ Article 97, paragraph 1 FL RS.

⁴¹ Article 3 FL BDB&H.

⁴² Article 134 FL FB&H.

⁴³ Article 6 LPAFV FB&H

⁴⁴ Article 6 LPAFV RS

- b. Any use of physical force which does not result with direct attack or psychical compulsion to physical or psychical integrity of a family member;
 - c. Children’s upbringing using physical punishment and other forms of humiliating treatment;
2. Emotional /psychical abuse and neglect
- a. Causing feeling of fear or personal endangering or violation of dignity using blackmail or a verbal threat or other kind of compulsion;
 - b. Serious verbal assaults, offences, scolding, using insulting names and other forms of family’s severe molestation;
 - c. Spying and all other forms of molestation of other family member;
 - d. Damaging or destroying of common property or property in possession or an attempt to do so;
 - e. Diverting due attention and control or not providing help and protection although there is obligation for that according to the laws and customs which would as their consequences have feeling of physical, mental or economic and social endangering;
 - f. Isolation and limitations of freedom of movement and communication with the third persons;
3. Sexual harassment;
4. Economic exploitation or exploitation by deprivation of rights to economic independence by prohibition of work or by holding a family member in a relation of dependence and subordination by using threats or by not giving means for life or any other forms of economic domination of one family member over the other one;
5. Other forms of family violence⁴⁵

Law on Protection Against Family Violence of F B&H in the same way explains the forms of violence only that economic exploitation⁴⁶, physical punishment and humiliating treatment⁴⁷ are not mentioned as forms of family violence.

4. Obligation to report on child abuse and neglect in the laws of B&H

Criminal legislation

According to the Criminal law of B&H as well as to the laws of FB&H, RS and BD⁴⁸, an execution of a criminal action can be done by commission or omission acts.⁴⁹ The aforementioned is considered to be crucial for problem of child abuse and neglect because parents and family members and persons who are familiar with the cases of child abuse and neglect and do nothing to prevent / report that behaviour can be prosecuted especially in cases of serious forms of abuse and neglect.

⁴⁵ Article 6 LPAFV RS

⁴⁶ Article 6, paragraph 10 LPAFV RS

⁴⁷ Article 6, paragraph 11 LPAFV RS

⁴⁸ Article 21 CL B&H; Article 21 CL FB&H; Article 8 CL RS; Article 22 CL BDB&H.

⁴⁹ Article 21 CL B&H; Article 21. CL FB&H; Article 8 CL RS; Article 22 CL BDB&H.

Family legislation

According to Article 150, paragraph 1 of the Family Law of F B&H and Article 133 of the Family Law of BD B&H Guardianship authority is obliged to take necessary measures for protection of child's rights and for the best child's interests on the basis of direct information or references. Measures which are taken are in more detail explained in paragraph 4 – Measures and sources of protection and support to a victim and in paragraph 5 – Criminal and penalty sanctions for offenders of actions of child abuse and neglect. The law stipulates sanctions for parents who do not prevent other person to abuse their child and the law uses repressive measures⁵⁰. Family law of RS imposes to every authority, organization and to physical person an obligation to inform the Guardianship authority without any delay on infringement of child's rights especially on violence, abuse and misuse.⁵¹

Legislation on protection against violence

The Law on protection against family violence in F B&H and RS stipulates that each person who knows for family violence is obliged to report that to the police, especially persons who discover family violence while performing their duties (medical workers, teachers, educators, medical and educational institutions, non-governmental organization) specifically if victim is juvenile person.⁵² Person who does not fulfil his duty to report family violence commits an offence.⁵³

All mentioned persons may initiate due process⁵⁴ and according to the Law an offender in case of family violence may be subject to precautionary measures.⁵⁵ Precautionary measures may be ordered on the request of a person exposed to violence or his/her authorized person or on the request of the abovementioned persons/institutions or *ex officio*.⁵⁶

Precautionary measures may be ordered independently of the court proceedings. The authorized court ensures urgent decision in this type of cases⁵⁷, and the court is obliged to issue immediately the decision on ordering protection measures, the latest within eight days.⁵⁸

5. Measures and sources for protection a victim of abuse and neglect in B&H laws

Family legislation

Measures for protection of child's personal rights and interests⁵⁹

⁵⁰ Article 153 FL FB&H; Article 135 FL BDB&H; Article 154 FL FB&H, Article 136 FL BDB&H; 106, 107 FL RS

⁵¹ Article 13, paragraph 3 FL RS.

⁵² Article 7 LPAFV FB&H and Article 7 LPAFV RS.

⁵³ Article 7, paragraph 4 LPAFV FB&H i Article 20, paragraph 6 and 7 LPAFV RS

⁵⁴ Article 7, paragraph 3 LPAFV FB&H

⁵⁵ Article 9 LPAFV FB&H and Article 9 LPAFV RS.

⁵⁶ Ibidem Article 18

⁵⁷ Article 3 LPAFV FB&H and RS

⁵⁸ Article 2 B&HFB&HLPAFV FB&H

⁵⁹ Already mentioned above (aforementioned above)

Precautionary measures stipulated by the Family Law in F B&H and BD B&H are:

- Warning about neglect and providing help⁶⁰
- Supervision over parent care realization⁶¹

Unlike the Family Law of FB&H, the Family Law of BD B&H does not provide measure of supervision over parent care realization.

Repressive measures provided by the Family laws of F B&H and BD B&H are:

- Deprivation a parent of a right to live with a child⁶²
- Deprivation of parent care⁶³

Unlike the Family Law of FB&H, the Family Law of RS provides measures which are taken for the purpose of protection child's personal rights and interests:

Preventive

- Monitoring of Guardianship authorities⁶⁴

Repressive

- Deprivation of parent's rights and duties⁶⁵.

The following preventive measure which is regulated by the Family law of FB&H⁶⁶ and by the Family law of RS⁶⁷ is monitoring over realization of parent care. The reasons for assignment of monitoring are neglect of care in child's health and upbringing or need to provide parents with help in child's rising. A case here is neglect of obligation relating to care about health and obligation of child's upbringing by which child's interest is not extensively influenced and can be protected without taking more severe measures (Bubić & Traljić, 2007:198,199). Repressive measures regulated by the Family Law are elaborated in the following sanction.

Legislation on protection against violence

The Law on Protection Against Violence in RS stipulates that protection of a victim against family violence has to be provided by the police, prosecutor's office, social work centres that are services of social protection and court which are obliged to ensure urgent settlement of those subjects without delay.⁶⁸ Immediately after a report on violence or an information about family violence, the police is obliged to

⁶⁰ Article 151 FL FB&H; Article 134 FL BDB&H

⁶¹ Article 152 FL FB&H

⁶² Article 153 FL FB&H; Article 135 FL BDB&H

⁶³ Article 154 FL FB&H, Article 136 FL BDB&H

⁶⁴ Articles 94, 95, 96, 97, 98, 99, 100, 101, 102 i 103 FL RS

⁶⁵ Articles 106, 107 FL RS

⁶⁶ Article 152

⁶⁷ Article 94 – Article 103

⁶⁸ Article 3 LPAFV FB&H i RS

immediately inform a centre for social work i.e. a service of social protection that will without delay provide social protection and mental help to a victim of violence and then write a report.

Protection measures for a violence offender can be pronounced on a request of a person exposed to violence or on a request of police, prosecutor's office, centre for social work, governmental and non-governmental organizations or *ex officio*⁶⁹ or after having evidence collected, the police submits a request for pronouncing protective measures to the authorized court against violence offenders and informs the authorized prosecutor on that without delay.⁷⁰

The Law on Protection Against Violence in RS unlike the same law in FB&H, in detail stipulates ways for providing protection to a victim of violence. For the purpose of providing physical protection and acquiring of rights and interests of a victim of family violence, without fear and danger, the police and the centre for social work i.e. the service for social protection can, with a victim's approval, temporarily provide accommodation for a victim and that can not take longer than three months that is by the end of procedure and a decision's execution by which a offender of violence is pronounced protection measure. Victim of violence is ensured with a temporary accommodation and care in social and other centres or at other families or at any adequate place. Because of protection and ensuring a victim of family violence, the police shall follow a victim of violence to a house, apartment or other premises for the purpose of taking his/her personal things and personal things of other persons who left the mentioned place with the victim and which are necessary for every day needs.⁷¹

The Law on Protection Against Violence in F B&H stipulates that a person exposed to violence needs to be ensured with a temporary accommodation and care in social and other centres (safe houses) or at other families that is at other adequate places or with a temporary support out of alimentation fund. Magistrates' court issues an order to a certain institution or a centre to accept a victim of violence at temporary accommodation and to take care of victim of violence until there is a measure of prohibition of return or suspension of the offender from a housing place where the victim lived.⁷²

Legislation on social protection

Legislation on social protection does not precisely determine issue of protection of a child victim of abuse and neglect but it can be used in indirect acquiring of this right. Rights which in this case can be used by all children according to every law on social protection in B&H are mostly related to accommodation to other family, accommodation to institutions of social protection and services of social work.

F B&H Law on basics of social protection, protection of civil war victims and protection of a family with children emphasises that social protection of a child is acquired for the best interest of child in accordance with the provisions of Convention on the Rights the Child.⁷³ A child victim of abuse and neglect is not clearly defined as

⁶⁹ Article 18 ZZNP RS and Article 18 LPAFV FB&H

⁷⁰ Article 3 LPAFV RS

⁷¹ Article 7 LPAFV RS

⁷² Article 13, paragraph 2 LPAFV FB&H

⁷³ Article 11 LBSP FB&H

subject of social protection but a category „children whose development is obstructed by family issues“ using explanation that a child in question is a child whose parents are not able due to their family unsettled relations, material or other reasons to ensure her/him normal conditions for regular upbringing, physical and mental development, can be understood as a category through which an abused and neglected child can acquire rights of social protection.

The Law on social protection of BDB&H is the only to define an abused child and a juvenile as a subject of social protection explaining that it is a person whose upbringing is physically and mentally obstructed due to unsettled family relations, abusing, material and other reasons.⁷⁴ Abused children are juveniles who went through physical or mental pain or damage which caused endangering of health, physical and mental integrity of personality or disabled normal development of a person⁷⁵.

6. Criminal and penalty sanctions for CAN offenders in the laws of B&H

Criminal legislation

According to the Criminal law of B&H regulated punishments and criminal – penalty sanctions are: punishment – imprisonment or financial sanction, suspended sentence, safety measures and disciplinary measures.⁷⁶ Concerning the crime of rape, the laws of the entities and BD B&H stipulate more severe punishment towards an offender if a rape was performed over a juvenile person, in:

- F B&H sanction provided is no less than three years of imprisonment,
- BD B&H it is the same, and in
- RS the sanction is from three to fifteen years of imprisonment⁷⁷.

For a criminal action of sexual intercourse by misusing position in:

- F B&H sanction provided is no less than three years of imprisonment,
- BD B&H it is from six months to five years and
- in RS from five to fifteen years⁷⁸.

For a criminal action of sexual intercourse with a child in

- F B&H the punishment provided is from one to eight years, for violent sexual intercourse with a child the punishment provided is three years at least
- BD B&H has the same solution and in
- RS the punishment provided is also from one to eight years whereas the punishment for violent sexual intercourse with a child is from three to fifteen years⁷⁹.

For procurement of a juvenile for debauchery:

- F B&H the punishment regulated is from three months to three years
- BD B&H has the same solution and in

⁷⁴ Article 15 LSP BD B&H

⁷⁵ Ibidem, Article 16.

⁷⁶ Article 5 CL B&H.

⁷⁷ Article 203, paragraph 5, CL FB&H; Article 193, paragraph 2 CL RS; Article 200, paragraph 5 B&HCL BDB&H;

⁷⁸ Article 206, paragraph 2 CL FB&H; Article 195, paragraph 3 CL RS; Article 202, paragraph 2 CL BDB&H.

⁷⁹ Article 207 CL FB&H; Article 195 CL RS; Article 204 CL BDB&H

- RS the punishment provided is from three years⁸⁰

For criminal action of forcing to prostitution in:

- F B&H the punishment regulated is from to fifteen years
- BD B&H has the same solution and
- RS regulated punishment from one to twelve years⁸¹.

For criminal action of using a child or a juvenile for the purpose of pornography in

- F B&H the punishment regulated is from one to five years
- BD B&H has the same solution
- RS regulates punishment from six months to five years⁸².

For criminal actions related to neglect or abuse of a child or a juvenile the regulated punishments are:

In case of neglect in:

- F B&H the regulated punishment is from three months to three years,
- BD B&H has the same solution and
- RS regulates penalty punishment or prison to two years⁸³.

For abuse it was regulated in:

- F B&H the punishment from three months to three years,
- BD B&H has the same solution and in
- RS to three years⁸⁴.

For criminal action related to violation of family obligations in:

- F B&H the punishment regulated is from three months to three years,
- BD B&H has the same solution and in
- RS it is penalty punishment or prison to two years⁸⁵.

For criminal actions of family violence there are more severe sanctions provided if these criminal actions were done to a juvenile or a child, they are from one to five years in FB&H, RS and BD.⁸⁶

Family legislation

Repressive measure of deprivation parent of a right to live with a child is provided in the Family law of FB&H⁸⁷ and BD B&HB&H⁸⁸ whereas it was omitted in the Family law of RS. According to Family law of FB&H⁸⁹ and Family law of BD B&HB&H⁹⁰ the court shall in extra-judiciary procedure deprive parent of the right to live with the child whereas care and upbringing will be trusted to other person or institution if

⁸⁰ Article 209 CL FB&H; Article 206 CL BDB&H; Article 197, paragraph 2 CL RS.

⁸¹ Article 210, paragraph 4 CL FB&H; Article 207, paragraph 4 CL BDB&H; Article 198, paragraph 4 CL RS.

⁸² Article 211 CL FB&H; Article 208 CL BDB&H; Article 199 CL RS.

⁸³ Article 219, paragraph 1 CL FB&H, Article 207 paragraph 1 CL RS and Article 216, paragraph 1 CL BDB&H.

⁸⁴ Article 219, paragraph 1 CL FB&H, Article 207, paragraph 1 CL RS and Article 216, paragraph 1 CL BDB&H BD; Article 219, paragraph 2 CL FB&H, Article 207, paragraph 2 CL RS and Article 216, paragraph 2 CL BDB&H.

⁸⁵ Article 221, paragraph 1 CL FB&H, Article, paragraph 1 209 CL RS and Article 217 paragraph 1 CL BDB&H.

⁸⁶ Article 222, paragraph 4 CL FB&H, Article 208, paragraph 3 CLRS, Article 218, paragraph 4 CL BDB&H.

⁸⁷ Article 153

⁸⁸ Article 135

⁸⁹ Article 153, paragraph 1

⁹⁰ Article 135, paragraph 1

parents, that is a parent with whom a child lives, endangers child's interest and if that parent mostly neglect upbringing, education and rising of a child or if a parent does not prevent other parent or family member to treat child in this way or if a child had more serious disturbance in upbringing. The Family Law of BD B&H(Article 135, paragraph 3) explicitly specifies that this measure is pronounced for one year whereas it is not explicitly defined in the Family Law of FB&H.

Repressive measure of deprivation of parent's care or parents' rights and obligations, as stipulated in the Family law of RS, is provided in all three legal frames in Bosnia and Herzegovina.

According to the Family law of FB&H and the Family law of BD B&HB&H⁹¹ this measure is pronounced to parents who by misusing his/her rights or who by severe neglect of his/her duties or who by abandoning a child or by not taking care of a child with whom he/she does not live, endangers child's life safety, its health or its moral or to parent who does not protect a child from this kind of behaviour of other parent or other person, the court shall deprive him/her of parent's care in extra-judiciary procedure. Misuse of rights exists especially in cases of physical and mental violence against child, forcing child to socially unacceptable behaviour and severe violations of child's rights in any other way. The Family law of RS⁹² lists the actions which are considered to be reasons for ordering that measure: if a parent performs physical or mental violence against a child, if a parent sexually uses a child, if he exploits a child by forcing him to overwork or perform activities inappropriate for his age, if a parent allows the child to consume alcohol, use drugs or other intoxicant substances or if he forces him to do so, if he forces a child to any form of socially unacceptable behaviour or if he in any other way violates child's rights.

Legislation on protection against violence

The Law on protection against violence of RS, unlike the same law of FB&H, stipulates that grammar expressions used in this law when marking male or female gender imply both genders,⁹³ thus specifically emphasising that an offender of violence can be a man and a woman. According to this law, protection measures which can be ordered to the offender are the following sanctions: 1. suspension from an apartment, house or other housing premise; 2. prohibition to get near a victim of violence; 3. prohibition to upset or spy on a victim of violence; 4. obligation for psychic and social treatment; 5. obligatory addiction treatment; 6. Socially useful work for the benefit of local community.

In almost identical way the Law on protection against family violence of F B&H stipulates protective measures for violence offenders in a family and the protective measures are ordered by magistrates' court in accordance to residence of victim of violence during submission of a proposal for that measure's pronouncing or a request for a criminal procedure launching.⁹⁴

⁹¹ Article 154, paragraph 1 and 2 FL FB&H; Article 136, paragraph 1 and 2 FL BD B&H

⁹² Article 106, paragraph 2,

⁹³ Article 2 LPAFV RS

⁹⁴ Article 17 LPAFV FB&H

Magistrates' court can pronounce appropriate protective measure as an autonomous penalty sanction after hearing of victim of violence, not waiting for ending of penalty or criminal procedure.⁹⁵

According to the Law on protection against violence of RS, protection measures can be ordered autonomously and without pronouncing fines that is without other penalty sanction and are subject of direct execution by the authorities responsible for their conduction.⁹⁶

Protection measures are regulated for a term of at least 30 days and at the most for two years depending on ordered protection measure.

7. Prevention – protection of children against CAN in B&H

Family legislation

Family laws are unique legal frameworks which enable prevention of more severe cases of abuse and neglect through preventive measures. Parents can be sentenced sanctions through criminal and through penalty procedures but those sanctions can hardly „repair“ (heal) wounds already given to a child. Moreover, the Family laws of F B&H and BD B&H obligate parents to take care of their children, to satisfy their normal needs and protect them from any kind of vices such as: drugs, alcohol, wandering, robbery, theft, prostitution, begging and any other forms of juvenile delinquency, violence, injuries, economic exploitation, sexual abuses and any asocial behaviour.⁹⁷ According to the Family law of F B&H and the Family law of BDB&H a child has the right to taking care of his life, health and personal development⁹⁸. A child also has the right to employment which is not harmful for his health and his development.⁹⁹ It is parents' duty to ensure for a child living conditions necessary for his development.¹⁰⁰

According to the Family law of RS, parents are obliged to take care of life and health of their children as well as of their raising, breeding and education.¹⁰¹ Their obligation and right is to protect their juvenile children and to take care of their life and health.¹⁰²

Legislation on protection against violence

The Law on Protection Against Family Violence of F B&H stipulates restraint from injuring physical or psychic integrity of other family member, from harms or discrimination on the basis of gender and age and from putting other person in a position of submission on any basis.¹⁰³

⁹⁵ Article 19, paragraph 4 LPAFV FB&H

⁹⁶ Article 9. LPAFV RS

⁹⁷ Article 134 paragraph 2 FL FB&H, Article 17 FL BDB&H.

⁹⁸ Article 124 paragraph 1 and Article 187 paragraph 2 FL FB&H and Article 107 paragraph 1 FL BDB&H.

⁹⁹ Article 124 paragraph 1 and Article 187 paragraph 2 FL FB&H and Article 107 paragraph 1 FL BDB&H.

¹⁰⁰ Article 138 paragraph 2 FL BDB&H

¹⁰¹ Article 6 FL RS.

¹⁰² Article 81 paragraph 1 FL RS

¹⁰³ Article 107 paragraph 17 LPAFV FB&H

The Law on protection against family violence of RS indicates that rules and principles determined by this law enable prevention and suppressing of this form of violence¹⁰⁴ and in that sense we can also understand them as preventive measures.

In BDB&H there was no law passed on protection against violence and the problem of family violence is treated within the Family law of BDB&H – Chapter IX.

Legislation on social protection

The law on basics of social protection, protection of civil war victims and protection of family with children in F B&H with the purpose of protection and prevention determines the first week of October, each year as “Child’s week” for the purpose of improvement of care about children¹⁰⁵.

Legislation on child protection

The Law on child protection in RS determines the system of child protection which is based on the right and obligation of parents to take care of upbringing and breeding of their children, on the child’s right to have living conditions which enable him regular mental and physical development and on the obligation of the state to enable him that development.¹⁰⁶ The same provision establishes the Public fund of child protection with the purpose to ensure equal conditions for satisfying developmental needs of all children in RS.

The Law on child protection of BDB&H proclaims that child protection for its purpose has ensuring all children with approximately similar conditions for healthy and regular physical, intellectual and emotional development within a family,¹⁰⁷ and the first week of October each year is according to this law determined as “Child’s week”,¹⁰⁸ whose purpose is to create more adequate conditions for development of child’s protection and for widening of its material basis.

3.2. Identified limitations/gaps in National laws

It must be admitted that in the few recent years the legal framework regulating family violence goes through significant positive changes in B&H. Family Laws and specific paragraphs related to family violence, which are appearing from 2005 to nowadays, present a fact which proves that there are some changes in social perception of this phenomena in general and that violence as a problem which was always present is no longer strictly „family“ and „private“ issue but that it is a problem which has far more serious repercussions. This is supported by additional passing of laws which more explicitly define this issue (The Law on protection against family violence in F B&H and RS) and that creates preconditions for serious fight against family violence in general, especially for fight against child abuse and neglect as one form of the most severe violence.

However, besides the mentioned improvements, B&H still is not a country which has completely harmonized legal solutions relating to CAN, especially when it comes to

¹⁰⁴ Article 107 paragraph 12 LPAFV RS

¹⁰⁵ Articles 94,95 and 96 of LBSP F B&H

¹⁰⁶ Article 1 of LCPRS

¹⁰⁷ Article 1 LCP BDB&H.

¹⁰⁸ Ibidem Article 26

implementation. Apart from full harmonization of legislation with the international standards, B&H is still missing are efficient measures for ensuring their direct implementation.

However, in the other hand the fragmented and highly decentralised administrative structure of the country is the key challenge in B&H (state, two entities, one of which is centralised and the other one divided into 10 cantons, and Brčko District). For an illustration, 13 set of laws and regulations defining health protection, social protection, education etc. are in force in the Country with app. 3.8 million of citizens and 852.413 children and youth up to 19 (Working Group on Child Protection, 2009). Therefore, significant number of laws on the small territory results with lack of legal harmonisation usually defining the same issue on different authority level.

In cases when a child is identified as victim of violence, in practice there are some problems related to different forms of legal protection. As we already mentioned, in B&H different practices of social and family protection are implemented when a child is a victim and there is no standard and unique treatment of abused children which is by obligation necessary to be implemented in B&H on the basis of accepted international standards.

This non-standardized approach is firstly related to treatment of violence victim in view of providing help and protection to a child victim, rehabilitation and re-socialization of a victim.

„The issue of social welfare or child protection is not regulated in a unique way. We can say that in terms of rights, children in Bosnia and Herzegovina do not enjoy equal protection. Within this form of protection there is no definition of a child victim of violence. Children victims may be within the applicable laws in B&H recognized only through the category of neglected upbringing and neglected children, which does not provide an adequate standard of protection for children"(Ministry of Human Rights and Refugees, 2007: 12). From all laws listed and elaborated in part 3.3. of this report, only the Law on social protection of BDB&H and one (Sarajevo's) out of ten canton laws on social protection define an abused child as a user of social protection. Municipalities in both Entities report on increasing demands for public expenditure in social protection for children and social sector reform but with inadequate funding provided by the State Entities and/or Cantons(Submission from the Bosnia and Herzegovina 2009 Working Group on Child Protection regarding the Universal Periodic Review of Bosnia and Herzegovina Seventh Session, February 2010; September 7, 2009). According to ICVA (2009), women non-governmental organizations from B&H requested complements of laws on social protection so that the categories of socially endangered would also include persons who went through family violence and their request was also to have ‘safe houses’ recognized as institutions of social protection in the laws and to ensure them continuous financial support. In that way, those persons would be shown that except declarative recognition of right to live without violence in family, there is readiness of institutions to enable victims and all persons who went through this form of violence to acquire rights arising from social protection in practice.

Although there is an obligation in B&H to report family violence which is legally regulated, violence against children often remains unreported. There are numerous reasons and apart from victim's fear which he/she has during abuse report (because

legislative regulation is not equal and does not guarantee – in practice – physical and any other protection of a victim of family violence) other reason can be found in mild punishments and uneven criminal politics towards offenders of violence against children. When violence is discovered and when a criminal or penalty procedure against an offender started, very often those procedures do not end with sentences. It is undeniable that there is a need for aggravation of criminal politics concerning criminal actions against children. Data presented in Strategy of FB&H (Gender Centre FB&H, 2008) for the area of F B&H confirm the mentioned. In 2007 cantons prosecutors' offices received 781 criminal reports which were related to Domestic violence¹⁰⁹, 414 accusations set, 257 legally binding verdicts issued whereas in 274 cases procedure was not completed by the end of 2007. Cases at prosecutors' offices and courts do not have a note of urgency which is very important when having in mind treatment of a victim.

On the other hand, Draft strategy for fight against family violence in RS 2009 – 2013 (Government of RS, 2009) emphasises responsibility of prosecutors' offices in inefficient criminal and legal protection in cases of family violence. For very rare using of a sanction to announce an arrest of a family member who is suspected or charged for a criminal act from Article 208 of the Criminal law of RS, according to information of Gender centre RS, the responsible persons are prosecutors who during investigation very often do not propose arrest of a suspect. According to a report of Ombudsman for human rights in B&H victim's rights as an injured party in a criminal procedure are in hands of prosecutor and when investigation is not conducted or when investigation is given up or when a prosecutor's decision is not to open an accusation, a victim may only submit an appeal to the Council of Prosecutors by which the victim is exploiting all legal remedies. (Ombudsman, 2009).

Bosnia and Herzegovina generally faces the problem of laws implementation because there is no monitoring mechanism set for their implementation. Inspections authorities which have the right to monitor the laws implementation are not efficient enough and are not established for certain areas or are not provided with material and technical means for their work. As the consequence the inspection is not able to monitor implementation of laws permanently and independently.

Reasons for this situation in legal protection of a child are numerous, but NVO Save the Children Norway in one of its reports clearly determines „culprits“ for current situation and it emphasises that „there is no political will to harmonize and adjust the laws related to children protection and even though there is complicated administrative structure in B&H, it does not have to be an obstacle for harmonization and implementation of the laws in equal way for all the children in the state if there is political will and mutual response among the representatives of all administrative units (Save the Children Norway, 2008).

Apart from the abovementioned, we can bring a conclusion by using this analysis of the legislation which regulates problem of family violence within F B&H by the Gender centre F B&H (2008) and we can dare say that this can apply to the territory of each B&H, that legal protection against family violence, abuse and neglect of children, is very slowly implemented in practice because it has not been followed by:

¹⁰⁹ Article 222 CC FB&H

- ensuring infrastructure which is necessary for law implementation
- ensuring necessary means
- education of staff
- networking of authoritative subjects for legislation implementation
- forming of implementation acts which would in detail elaborate actions of authoritative subjects
- establishing of unique statistics data base on victims of family violence on the level of Federation of B&H and on the state level
- establishment of unique SOS line for violence reporting
- employment of necessary staff in institutions authorized for legal provisions implementation (psychologist, pedagogue, social workers etc.)

3.3.National/ Regional Action Plans

When it comes to violence against children, the competent institution in Bosnia and Herzegovina, in the past period, realized several very important activities related to the effective protection of children's rights. At the level of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina, and the proposed relevant ministries, government adopted several plans and programmes related to the obligation on conduct various activities related to violence against children. At the entities level there are also strategies developed which are mostly in compliance with the state strategies and whose primary goal is to fight against children abuse and neglect but within the strategies which treat violence in general or family violence there is lot of talk about steps that should be taken in the following period with the purpose of protection of abused and neglected child.

We briefly present the strategies currently in force in B&H.

State level (Bosnia and Herzegovina)

- **Action plan for children B&H 2002-2010**

The main goal of Action plan is to indicate to certain areas which are of significant importance for strengthening children's positions in Bosnia and Herzegovina as well as for priorities related to children's protection. The plan of activities was elaborated for a few key areas of children rights protection: economic development, justice and legislation reform, health services, education and social and children welfare.

- **State Action Plan for fight against trafficking in persons 2008-2012**

On the basis of evaluation of passed activities from the Action Plan for fight against trafficking in persons 2005 - 2007 there is a new State Action Plan for fight against trafficking in persons for the period 2008 -2010 and it contains number of goals for the areas of support, prevention, victims protection and victim witness protection and criminal pursuit.

- **Gender Action Plan of Bosnia and Herzegovina 2006-2011**

It presents five-year strategy for gender equality. GAP B&H contains activities which should be conducted in 15 areas. Chapter IX has the title – „Family violence, gender-based violence, harassment, sexual harassment and trafficking in persons“.

- **National strategy for combating violence against children 2007 - 2010**

It proposes establishing of plans and programmes with the purpose of improvement and implementation of activities related to more successful protection of children from all forms of violence as well as activities related to obligation of intervention, family support, acting for the best interest of child, information confidentiality and achievement of efficient protection. The Strategy is mostly directed to establishment of permanent and viable system for monitoring problem of violence against children as well as for reporting and continuous planning of measures needed for prevention of violence against children at the level of Bosnia and Herzegovina.

- **Resolution on fight against violence against women in the family**

Although it does not have legally-binding character, the Resolution is very important because it represents clearly expressed attitude of Parliamentary representatives on zero tolerance level that the society should have towards an offender of violence against women in the family.

- **Resolution on improvement of family protection in Bosnia and Herzegovina**

Although this resolution the same as the previous one does not have legally-binding character, it is very important whereby the Parliamentary Assembly of Bosnia and Herzegovina through it invited all authorised institutions of Bosnia and Herzegovina to undertake appropriate concrete measures for improvement of family protection in B&H. Those measures start with harmonization of laws and development of the system for family protection, they also include determination of specific measures, affirmative actions for achievement of better protection of family and children and they come to establishing of bodies for mutual coordination, cooperation and exchange of information on all authority levels which will ensure respecting of the principle of non-discrimination of family and its members and will promote intergenerational solidarity.

- **Strategy for prevention and fight against family violence 2009 – 2011.**

Federation of BH

- **Strategic plan for prevention of family violence for Federation of Bosnia and Herzegovina 2009-2010**

Strategic plan determines activities, performers and deadlines for those activities' realization and those are: changes in legislation; compilation of common training programmes of professionals for the areas of social care, medical care, internal affairs and education; researches related to family violence; promotion of non-violent behaviour within family. Implementation of this strategic plan will create conditions for compilation of a long-term strategy for prevention of family violence.

Republic of Srpska

- **A draft strategy for fight against family violence in RS 2009 – 2013**

This strategy in similar way as the previous one as its main goal determines efficient and optimal level of prevention of and protection against family violence and stresses that it is especially important to consider the following, apart from the awareness-raising campaigns: role of a man in prevention of family violence and role of media, compilation of intervention programmes for male offenders, promotion of researches related to family violence, establishment of unique database (system of data gathering and their keeping) on family violence at the entities level. Considering a man's role in family violence prevention is something new in the strategic plans of B&H and it speaks about increased gender sensitivity towards problem of family violence.

3.4. Identified limitations / gaps in the Action Plans

Bringing strategies and resolutions at the state and entities levels shows determination of Bosnia and Herzegovina to ensure harmonized activities of all authority bodies and nongovernmental organization in prevention of family violence. That determination at the same time means implementation of certain parts of adopted strategies and resolutions related to family violence. Strategies and action plans in B&H still have rather wide scope of proposed actions since the problem of CAN and systematic solution of this problem is still in its infancy in our country. As we have seen from the presentation of the main goals of the mentioned strategies, their activities range from elaboration of prevention plans, networking of different sectors' activities on terrain and protection against family violence to concrete proposals for change, complement and harmonization of legal solutions that treat this field.

Although there is a wish to achieve so much, things often do not end thus on terrain. One of the examples is State strategy for fight violence against children 2007-2010 which was adopted by B&H Ministry Council in June 2007, it provides for changes and complements of number of laws which regulate social and criminal legal protection and child's rights. These laws still wait for changes and complements (ICVA, 2009). According to Universal Periodic Review of human rights in B&H (Ombudsman B&H, 2009) one of the major deficiencies is non-existence of strategic approach for ensuring protection and further improvement of human rights in general. Approach to solving certain problems is mostly by using „ad hoc“, principle and even in the previous period a number of action plans have been adopted which talk about problem of human rights in general and thus about the problem of family violence/children abuse and neglect, what is missing in those plans' is mutual harmonization and coordination. The solution is seen in the existence of national action plan for human rights as the platform for operation in this field. Gender centre F B&H (2009) in the Report on implementation of the strategic plan for prevention of violence in F B&H specifies that the major problem in implementation of strategic plans is lack of financial means needed for implementation of certain activities. As an example the Report indicates scheduled activities of compilation of professionals' training programmes which deal with the problem of violence i.e. they work with violence victims and violent persons, and those activities are difficult to be realized due to lack of financial support.

Notwithstanding the mentioned difficulties, it can be noticed that all the subjects make efforts in realization of the activities determined by strategic plans.

It is important to emphasise establishing of unique SOS phone number (number 1265) on the territory of F B&H and on this number victims of violence can get appropriate support and help. There is also a procedure of passing new Law on protection against family violence which would, among other things, improve a way of passing and improvement of protective measures against violence victims and would enable providing adequate protection of victims of family violence.

In the recent time period, Republic of Srpska achieved significant progress in institutional approach to fight against family violence. By applying the Action plan for fight against family violence from 2007-2008 in Republic of Srpska, awareness of the experts and wide public over family violence is additionally raised, cooperation of the authorized institutions was strengthened in their approach for family violence solving, there were made some changes and complements of the Law on protection against family violence through which some formal and procedural obstacles were removed from the work of protection services and relevant help was provided for a victim of violence through a penalty procedure (Government of RS, 2009).

In the end we have to emphasise that nongovernmental organizations have significant importance in promotion of strategic plans in B&H which define activities of prevention of violence against children as well as help and support of children victims of violence. Government have started recognising the efforts of the NGOs and the international organization which, despite frequently inadequate legislation and unfavourable legal position, made important achievements and up to now have been driving forces behind activities in the field.

3.5. Other provisions about CAN

- **B&H Constitution¹¹⁰**

Annex IV of the General Framework Agreement for Peace in Bosnia and Herzegovina guarantees implementation of the highest level of internationally recognized human rights and fundamental freedoms and the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. Item 3 of the Constitution contains enumeration of rights and freedoms and Item 4 guarantees the enjoyment of the rights and freedoms without discrimination on any ground. Constitution of the Federation and the Republic of Srpska are in accordance with the Constitution of B&H.

- **Law on protection of witnesses under threat and vulnerable witnesses¹¹¹**

This Law regulates the measures which ensure protection of witnesses under threat and vulnerable witnesses in criminal proceedings conducted by the Court of Bosnia and Herzegovina or the chief prosecutor of Bosnia and Herzegovina.

¹¹⁰ Constitution of Bosnia and Herzegovina is a part of Dayton Peace Accords – Annex IV – The Constitution. Dayton Peace Accords, thus the Constitution, has never been translated to official languages in B&H nor published in Official Gazette of B&H. It exists originally in English and French language and all of the institutions (inc. legislative, executive and judicial authorities) use their own informal translations. Translation of the Dayton Peace Accords is in procedure at the Parliamentary Assembly's Department of International Relations of the Parliament of B&H.

¹¹¹ **Law on protection of witnesses under threat and vulnerable witnesses** ("Official Gazette B&H" no 3/03).

The law provides definition of a witness under threat, a vulnerable and protected witness. Entities and Brčko District of B&H have the same laws harmonized with the national laws¹¹². A vulnerable witness is considered as an extremely weak person that is a child or a juvenile. In relation to this, Article 6 of all laws stipulates about witness protection by providing social, psychic and expert help given by the social care authority (Social Work Centre). Therefore these laws treat a child and a juvenile as a vulnerable witness and ensure him/her help (expert, psychic and social).

- **Law on offences**¹¹³

By the law on offences of RS and BD B&H and the laws passed in Federation of B&H at the cantons level, the prostitution held in a public place is determined as an offence, and begging activity in a public place is determined as an offence-Article 22.

- **The Law on Gender Equality of B&H**¹¹⁴

This Law shall regulate, promote and protect gender equality and guarantee equal opportunities for all citizens, both in public and in the private sphere of society, and prevent direct and indirect discrimination based on gender. This law prohibits the sexual harassment and establishes inventions within the definition of Article 4, and refers to the determination of sex, violence on the basis of sex, harassment and sexual harassment.

3.6. Identified limitations and gaps

Purpose of the laws mentioned above is not directly related to CAN. In fact, connection with CAN matters of laws is often just in one aspect and that aspect is one of specific legal act referring to children or minors as part of general or specific subjects of law – if a specific legal act would lack provisions referring to children or minors as a specific group of subjects protected by the law, the act itself would be incomplete. In example, Law on protection of witnesses under threat and vulnerable witnesses is granting protection only in aspect where child or a minor are in the status of witness and is not granting protection of its total physical, emotional and other integrity. Also, Law on offences protects child or minor only in aspect where s/he is involved in morally unacceptable activities. It could be pointed out here that the sanctions themselves are not harsh enough and their preventive objective is not, for that reason, being realized. Limitation to be found in Constitution is the same as mentioned above: it is not efficient enough because of juridical system of protection is not developed enough, procedure itself is very formalised and application of international conventions provisions is sometimes impossible. Also, there is also a gap between those provisions concerning moral health of children and minors. Even though provisions that are prohibiting sale of cigarettes, alcohol, betting and similar products or activities are existent they are not being forced and so they are practically non-existent.

¹¹² **Law on protection of witnesses under threat and vulnerable witnesses** (Official Gazette F B&H 36/03), **Law on protection of witnesses** in criminal procedure RS (Official Gazette RS 48/03), **Law on protection of witnesses under threat and vulnerable witnesses** (Official Gazette BD B&H 3/03)

¹¹³ **Law on offences** B&H („Official Gazette B&H 20/04); **Law on offences** F B&H („Official Gazette F B&H 31/06); **Law on offences** RS („Official Gazette RS, br.34/ 06); **Law on offences** BD B&H („Official Gazette BDB&H 23/07)

¹¹⁴ Official Gazette No. 16/03

4. Child Protection System

4.1 Short description of the child protection system:

Complex administrative structure of B&H which follows us through each chapter of this report, does not avoid us either in the chapter which deals with ways of protection of a child victim of abuse and neglect. B&H is a country which does not have a unique multidisciplinary model of procedure in prevention of and protection against abuse and it does not have elaborated mutual cooperation of all entities in prevention of CAN and in a process of protection of violence victims at the national level. Recent experience related to the procedures in our environment show that the main obstacles for more efficient children's protection are steps in the process of child's protection which are not clear enough and the participants' roles in that process are not clear either. Since 2008 B&H has already had a written Optional protocol for actions in case of child's abuse (2008) on national level and all the key institutions participated in its compilation¹¹⁵. This Protocol provides basic directions for actions of authorized institutions in case of CAN. The next few lines present a brief review of victim's treatment as provided by this Protocol.

When stipulating on abuse report, the Law is clear and it stipulates:

“Family member, subjects of protection, employees in education and social welfare institutions, as well as citizens who learn of occurrences of domestic violence in the family or if there are grounds for suspicion that domestic violence has been committed, shall have the responsibility to immediately report such cases to the police. Protective measures may be order at the request of an abused person or his/her authorized representative or at the request of the police, prosecutor's office, foster agency, governmental or nongovernmental organizations or ex officio. To provide for physical protection and to exercise the rights and interest of victim of domestic violence, without fear and danger, the Social Welfare Centre can, with previous consent of the victim, temporarily placed the victim in the appropriate accommodation (here and after: safe house)” (Law on protection from domestic violence in Federation of Bosnia and Herzegovina and Republic of Srpska - Official Gazette of F B&H, No. 22/05 and "Official Gazette of the Republic of Srpska" No. 118/05).

According to the mentioned, it can be seen that each institution and a person has an OBLIGATION to report on violence in family to the authorized institutions (police, prosecutors' offices, social services centres).

Apart from the report, each institution in a chain of child's protection has its obligations for actions in case of CAN. Apart from the institutional differences there can be differences depending on

¹¹⁵ Ministry for Human Rights and Refugees of B&H,
Ministry of Justice of F B&H and of RS,
Ministry of Internal Affairs F B&H and RS,
Ministry of Health FB&H,
Ministry of Health and Social Protection RS,
Ministry of Labour and Social Policy FB&H
Ministry of Education and Science FB&H
Ministry of Education and culture RS
Association of Court Experts FB&H
Association of Court Experts RS
High Judicial and Prosecutorial Council B&H
Ombudsman F B&H
Ombudsman RS

1. Situations in which there are **the grounds of a doubt** that CAN occurred
2. Situations in which there is **certainty** that some form of CAN occurred

Situations in which there are the grounds of a doubt that CAN occur are considered to be those situations in which it can not be surely determined during the first revision if some form of CAN occurred.

The main institutions for solving violence against children are **social services centres**. Their role is of great importance for adequate and efficient activities related to discovery, diagnosis and proceeding of cases of children abuse. According to the Protocol on abuse, when there is the ground of a doubt that CAN occur, a social service centre determines protection measures for a victim whose family surrounding does not provide him/her protection any longer. When there is certainty that some form of abuse exists, a social service centre is obliged to inform the police and prosecutors on that. A social service centre determines if the family surrounding can provide protection of a child and if necessary, whether it will take over the custody and whether it has resources which are adequate for child's needs. The assessment of the case, done by the appropriate social services centre, is done after the social services centre completes the social anamnesis. The social service centre cannot make the assessment on its own. Team work and cooperation with different specialized institutions and professionals is crucial in the diagnostic process for the purpose of collecting information and evidence for making the final assessment of the case. The social service centre also decides whether it is necessary to send a child to take psychological and physical tests at the authorized institution. The procedure of the initial assessment will determine the direction that the work with the child victim of CAN should take. When for safety reasons there is a need for that, the police provide adequate protection during activities which need to be done in order to place a child to a centre (safe house) or any other family surrounding. The social service centre sends a report to the court or to the prosecutor if some other institution has not already done so. All reports and information are sent as fast as possible but it is always emphasized that it is emergency. In proceedings against children, a guardianship body has a right to be informed on the course of the proceeding, to make suggestions during the proceeding and indicate to the facts and proofs which are important for decision making. The social work centre as a guardianship body is authorized to participate in court proceedings in which coercive measures of limitation and termination of parental rights are applied. The role of the guardianship body in the mentioned court proceedings is reflected in the preparation of proposals for termination of the rights to care for and raise the child, which means terminating parental rights. The centre for social work participates in carrying out court orders for protection of the child as a person. The centre for social work offers professional opinions to the public prosecutor and the court about the ability of the child to testify and possible consequences for the child. The centre for social work has a primary role in questioning the child as a victim and its role as a guardianship body is to ensure adequate further treatment of the child victim of CAN in court.

The role of the police as the Protocol provides is to inform the authorized prosecutor, a forensic doctor in case it is necessary to take a medical test of a child, a parent or a child-guardian (if they did not participate in abuse) and the authorized guardianship body when they receive a report on child's abuse done by any physical or legal person. The police take further measures only after the prosecutor's order is made.

While processing the case, the police can take a statement from a child victim of abuse, but it does not have to do so. If a child victim of CAN has severe consequences after the abuse, it is recommended not to take a statement before the child is completely recovered and the authorized medical person gives such opinion. In any case, if there are enough proofs gathered in investigation without having a child's statement, a child's statement is not taken. According to the information provided in the Final report on national campaign on fight violence against women, including domestic violence (COE) in Republic of Srpska there are specific police inspectors responsible for cases of domestic violence but there are no specialized judiciary institutions. In Federation of Bosnia and Herzegovina, within Cantonal Ministry's of Interior, there are at least two persons (inspector and police officer) who are in charge of matters of domestic violence; there is no specialized juridical institution, but there is an initiative to establish domestic courts within the local court.

According to the Optional protocol for actions in case of child's abuse, the prosecutors' offices are crucial for opening investigation in any case when there is evidence of possible abuse. Their task is to monitor if all legal norms are applied and by which participation of juvenile victims in a court proceeding is regulated. It means that they try to avoid any delays when a process demands a child's participation as well as all necessary repetition of testimonies and other actions which demand a child's participation. When taking a statement from a child, it is necessary to judge ability and emotional state of a child for giving a statement. A statement of a child younger than 13 is taken under psychological support that child has during the court examination. The competent prosecutor's office which received this report, if it establishes that the existing facts or circumstances confirm reasonable doubt of committed CAN, may request the initiation of an investigation procedure, or, if they have enough facts, bring the charges before the court. On the other hand, if the facts or circumstances are not sufficient, they may dismiss the report.

When there is a doubt that CAN exists **the Educational institutions** have obligation to inform on that a social work centre but when there is certainty that some from of child's abuse happened, a nursery school or a school should immediately inform police on that as well as the social work centre, medical institution and the prosecutor's office. Apart from the mentioned institutions schools and nurseries are obliged to inform a child' family on all the activities taken. Considering the time children spend in school and educational institutions, the best opportunity for prevention and early detection of CAN exists in the educational system. Prevention activities in schools or other educational institutions are implemented through various workshops, lectures on the subject of trafficking in persons, round tables, debates, and preparation and distribution of promotion materials, etc.

When there is a doubt that there is CAN, **the Medical institutions** have obligation to inform on that a social work centre and a prosecutor's office. For any situation where there is certainty that CAN happens, that case is being forwarded to a medical institution authorized for such cases or a case is directly reported to a social work centre, police and a prosecutor's office.

Civil sector, that is number of **non-governmental organizations** which deal with protection of women's and children's human rights, had very important role in bringing the issue of violence into private life sectors through public speeches and presentations. Since they represent huge social resource of knowledge, practice and

experience in treating this issue, in B&H society they are positioned as very strong and professional partner to governmental sector. Activities of NGO sector range from preventive activities which are seen in educating and making people aware through different campaigns to very significant activities such as managing of safe houses and keeping SOS phone lines for help to victims of violence. In **Republic of Srpska** there are three (3) safe houses for women and children – victims of domestic violence which are operational and at work. In **Federation of Bosnia and Herzegovina** there are six (6) safe houses for women and children, who are victims of domestic violence. Safe houses are led by NGO-s working on domestic violence and women's human rights. They territorially cover five (5) Cantons; while in other five (5) Cantons there are no safe houses. Safe houses provide psychosocial support for victims, treatment, consulting and education. They provide temporary care for women and their children-victims of family violence and they are actually first realization of right of a family violence victim for having psychological and physical safety that is they should provide protection of life, physical integrity and mental health and prevent further violent behaviour within the family. Accommodation in a safe house is done according to a decision made by a centre authorized for social work i.e. by authorized police station.

4.2. Main responsibilities of the organizations (Governmental & NGOs) providing services to victims of CAN:

a. Governmental Organizations

1. Ministry of Human Rights and Refugees of B&H

COUNCIL FOR CHILDREN OF BOSNIA AND HERZEGOVINA

The Council for Children of Bosnia and Herzegovina has been established as an independent body of an advisory and coordinative character. The Council for Children of Bosnia and Herzegovina is responsible for the following:

- The monitoring and implementation of the Action Plan for Children in Bosnia and Herzegovina 2002 - 2010;
- The reporting to the Council of Ministers of Bosnia and Herzegovina, when necessary, at least once a year, regarding the implementation of the Action Plan;
- The coordination with the competent Entity ministries and non-governmental organisations;
- The proposal of measures for the improvement of the implementation of the Action Plan in B&H,
- The preparation of the operative plans for each year;

And other questions regarding the implementation of the Action Plan

2. Ministry for Social Policy and child protection

(on Entity levels: in Federation of BH, in Republic of Srpska)

Responsible for: administrative, professional and other activities in laws related to: social politics (social security and solidarity, protection of civilian victims of war, family protection, adoption and custody, social protection); Labour and Employment; Pension and Disability Insurance

3. Ministry of Justice:

Responsible for: international and justice cooperation between entities; drafting relevant laws and regulations; providing that legislature of B&H and its

implementation on all levels gets in accordance with responsibilities of B&H that come from international agreements.

4. Ministry of Security:

Responsible for: prevent and detect crimes of terrorism, drug trafficking, forgery of domestic and foreign currencies, trafficking and other criminal offense with international or entity element; protection of persons and objects; collection and use of data relevant to security of B&H; organization and harmonization of activities of entity ministries of Internal affairs and District of Brcko; implementation of security tasks of B&H interests.

5. Ministry of Health:

Responsible for: administrative, professional and other tasks determined by law in the areas of health

6. Ministry of Education:

Responsible for: administrative, professional and other tasks related to preschool, primary and secondary education, pedagogical standards and norms of space, equipment and teaching resources for preschool, primary and secondary education and upbringing

7. Ministry of Interior

(On Entity levels: in Federation of BH, in Republic of Srpska)

Responsible for: prevent and detect crimes of international crime and terrorism, unauthorized drug trafficking and organized crime; protection of human rights and civil liberties in the field of Interior affairs.

8. Ministry of Civil Affairs

The Ministry of Civil Affairs is responsible for activities under the competence of the State concerning the basic principles for coordination of activities; the harmonisation of the plans of Entity governmental bodies; and the creation of strategy at the international level in the areas of health, social care, pensions, science and education, labour and employment, culture and sports.

9. Centres for Social Work

In B&H, the role of the leading Governmental agency for solving of violence against children have the centres for social work. In Federation of B&H, there are 71 municipality centres and 10 cantonal centres for social work. In Republic of Srpska, there are 44 social work centres and 18 social service and child protection that function as the municipal authority. Centre for Social work is the institution where the child victim of violence can get professional help, appropriate treatment, advisory-therapeutic services and any other necessary assistance to its protection. Centres for social work do not have special funds to solve the general form of violence.

10. The Government of Brčko District of Bosnia and Herzegovina

b. Independent Authority

1. The Ombudsman of B&H

Department for supervision of Child Human Rights

The Ombudsman of BH is Human Rights Protector and an independent institution that assists the citizens and the legal bodies to achieve or protect their legitimate rights, freedoms and legitimate interests in cases when it is violated or by the authorities of BH, or by the authorities of BH Entities, and/or by the authorities of Brcko District. The Ombudsman is obliged to protect the human dignity, rights and freedoms as enshrined by the Constitution of BH and entities and the European Convention on Human Rights. Work of the Ombudsman is free of charge for the applicants.

c. Non-governmental organizations oriented to child welfare and supporting the Rights of the Child

In Bosnia and Herzegovina exist around 1 300 non - governmental organizations. There are only few of them that are oriented for dealing with child abuse and neglect and they haven't built an official network. The main non – governmental organizations that are permanently dealing with this problem are:

1. *Save the Children Norway (Office for South East Europe in Sarajevo);*

Save the Children Norway is a membership-based organization. Save the Children Norway, through the work of its South East Europe office, advocates for children's rights at all levels of society, assists in the linkage of partner organizations and secures the exchange of experience and information. Organization provides professional and financial support to our partner organizations, which can be governmental, non-governmental or local organizations, or organized groups or networks. Partner organizations together with Save the Children Norway create project plans, and implement project activities. Organization achieved so far: Conducted research on child trafficking in Bosnia and Herzegovina, Produced and adopted the State Initial Report on Violence Against Children in Bosnia and Herzegovina, Produced the Code of Ethical Conduct for Research Involving Children in Bosnia and Herzegovina, Children in the region empowered to adequately deal with the problems of violence, sexual abuse and trafficking in human beings and to protect themselves, Increased awareness of children, parents, professionals and the general public in the region on the problems of violence against and sexual abuse of children, including the problem of child trafficking.

2. *Foundation of Local Democracy (Sarajevo);*

Embassy of Local Democracy Barcelona – Sarajevo was established in 1996. In January 2003 organization registered as a local NGO: Foundation of Local Democracy – a rightful heir of the „Embassy of Local Democracy Barcelona – Sarajevo“. Vision of the organization is creating a society of equality and without violence. Mission is prevention, protection and fight against gender based violence as well as a society of equal possibilities. Permanent activities of the organisation are:

Shelter for women and children, victims of domestic violence and telephone line for reporting domestic violence open 24 hours a day.

3. *Vive žene* - Center for Therapy and Rehabilitation (Tuzla);

Vive Zene is a non-government organization which focuses on psycho - social help and support, education, and promotional - editorial activities with multi - disciplinary, democratic and participatory approach to the work with traumatized families and individuals. The primary goal of Vive Zene is to improve mental health of torture victims. By doing this, organization contribute to the torture prevention through multidisciplinary approach and intervention psychotherapy, psychosocial, social, medical and legal counselling. Our goal is to minimize the effects of trauma-related disorders in the lives of tortured, raped or abused victims, and helping their emotional healing.

4. *Medica* (Zenica)

Medica Zenica is expert women's non-governmental organization that continuously offers psycho-social and medical support to women and children victims of war and also post war related violence, including victims of war rapes, street rape survivors, domestic violence survivors, and victims of trafficking in human beings. The approach to the clients, women and children, is based on humanistic values. The services that Medica provides include: shelter/safe house, psychological counselling office, medical and psychological support during the period of recovery from trauma and consequences of violence and we also have a component of economic empowerment for women and girls implemented through vocational trainings project. Medica's clients are women and children but we also work with men within family therapy frame. Apart from the direct work with victims of trauma and violence, Medica Zenica implements a line of educational, research, advocacy, and publishing projects focused on promotion and protection of human rights, prevention and rehabilitation from sexual and domestic violence, and combating trafficking in human beings.

5. *ZENA B&H*

Association “Zena B&H” is a local NGO, established in October 1994 in Mostar. ZENA B&H promotes and affirms human rights, advocates for economic independence, self-awareness and total inclusion of women into all spheres of life. Through its active role in woman peace movement ZENA B&H is involved in fight against all forms of violence and ZENA B&H especially advocates for gender equality. SAFE HOUSE is one of the most important projects. It was opened in the beginning of 2004 and presents an important component in the fight against all kinds of violence as well as in the fight against trafficking in human beings in the City of Mostar, Herzegovina Neretva Canton and the entire Herzegovina region. Within the project *for better and joyful life of children – life without violence* supported by Netherlands Foundation CNF CEE, organization has opened unique number LITTLE TELEPHONE with the goal to prevent violence and to influence on the awareness of children in the early age so that they understand that violence is socially unacceptable behaviour.

6. *Žene sa Une* (Bihać);

This NGO exists since 1992 Year and it was registered in 1994. In 1995 they have opened Safe House and the organization has big issues to finance it. Up till now, they provide accommodation to 30 victims of domestic violence. GAP project which financed and supported sustainability of the Safe House, lasted until 28.04/06, thus, they are now in very difficult situation as number of victims of domestic violence is increasing every day. This organisation can provide us information about CAN prevalence in Unsko – Sanski Canton.

4.3. Provide a list of the existing child protection services, social welfare or other organizations involved in reporting, investigating and/or providing services to children victims of abuse and neglect.

(Annex 1)

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