



Convention on the Rights of the Child

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Written replies by the Government of Bosnia and Herzegovina to the list of issues (CRC/C/OPSC/BIH/Q/1) related to the consideration of the initial report of Bosnia and Herzegovina submitted under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BIH/1)*

[23 August 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPSC/BIH/Q/1)

1. Bosnia and Herzegovina (B&H) has for a long period of time paid great attention to the rights of children according to international conventions and protocols which contain part of those conventions. Specifically the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography works as a part of Ministry of security special body State coordinator that works on combating human trafficking and illegal immigration. The basic function of the State Coordinator is coordination of whole activity, data collection on problems related to human trafficking and illegal migration in B&H, informing the Council of Ministers of B&H about those problems, preparation of certain recommendations, international and regional cooperation. This working body has seven members, including the State Coordinator, and the members are representatives of the following institutions: Ministry of Security (2), Ministry of Human Rights and Refugees (1), Ministry of Justice (1), Ministry of Foreign Affairs (1) and the Prosecutor's Office of Bosnia and Herzegovina (1).

2. By special decision made by the Council of Ministers of B&H was formed the Intervention group against human trafficking and organized illegal immigration, with the main goal to establish and improve coordination of duties on the operative level between State and entity institutions, and institutions of Brčko District of B&H. Members of this Intervention group are representatives of the Prosecutor's office, the Border police of B&H, the Agency for investigation and protection of B&H, the Entity Ministries of Internal Affairs, the Police of Brčko District of B&H, INTERPOL, the financial police, the tax administration office and other State and entity institutions.

3. The Council of Ministers formed the Council for Children of B&H in 2003 as an independent body with counseling and coordinating character. Unfortunately there is stagnation in the work of this body, but according to the newest information there have been some activities over renewal of the Council for Children of B&H.

4. The Sector for Human Rights operates as a part of the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, and, besides other issues, directly works on issues related to the rights of children, among which are issues from the Protocol.

Reply to the issues raised in paragraph 2 of the list of issues

5. The Ombudsmen of B&H¹ in accordance with article 1, paragraph 4, of an amendment law to the Law on Ombudsmen of B&H (Official journal B&H, no. 32/06), in February of 2009 adopted a Book of Regulation on the internal organization and systematization of institution, and established a Department for monitoring children's rights. By completing this legal obligation and recommendation of the UN Committee on the Rights of the Child, from 2006, Ombudsmen of B&H showed its intentions to systematically protect children's rights and provide mechanisms which are competent to receive complaints from or about children, related to violation of their rights defined by the Convention and both optional protocols.

6. The Department for monitoring of children's rights receives and registers complaints which are related to violation of children's rights, proceeds according to those complaints,

1 Ombudsmen of B&H, Jasminka Džumhur and Ljubomir Sandić inaugurated 04.12.2008.
Ombudsman B&H, Nives Jukić inaugurated 1.10.2009.

prepares reports on children's rights, follows functioning of legislative, executive and judicial institutions important to accomplishment of children's rights, removes barriers for rights implementation of the Convention and the protocol that comes with the Convention on the Rights of the Child, which was ratified by Bosnia and Herzegovina, and at the same time promotes rights and freedoms for children, especially of endangered and marginalized categories.

7. The Department for monitoring of children's rights received in 2009 a total of 38 individual complaints on children rights' violations. Complaints are mainly with regard to non-implementation of judicial verdicts, administration decisions with regard to giving custody to one parent, disabling of contact of the other parent with the child, not giving of approval by the parent without custody for issuing of travel document, and passivity and noncooperation of institutions in implementation of the Law on issuing of travel documents, the problem of not issuing documents on birth register for children born outside of hospital, in those municipalities which were displaced during the war, and birth registers destroyed.

8. According to statistical data, in the first six months of 2010 the Department has received 70 individual complaints on violations of children's rights. This increase in numbers is concerning, but at the same time indicates that the Department for monitoring of children's rights of the Ombudsmen office of B&H has been recognized by citizens as an effective mechanism for children's rights protection.

9. Out of all complaints received in the Department for monitoring of children's rights, three complaints are related to breach of rights from the Optional protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution and child pornography.

10. Besides ruling on citizens' complaints and giving out recommendations, the Ombudsmen for human rights in 2009 and 2010 have made a Special report on maternity leave and pay during maternity leave, and a Special report on the problem of children begging in B&H with the accent on establishing day centers for children at risk, or private stations for children found on the streets and begging. It is important to highlight that in 2009 an Analysis was carried out on harmonization of legislation of B&H and the Convention of the Rights of the Child, and monitoring of media informing on children, and this can be found on following web link www.ombudsmen.gov.ba

11. With the support of Save the Children Norway, the Department for monitoring of children's rights is involved in numerous project activities, such as "Ombudsmen in your school" in elementary and high schools which introduces the Convention on the Rights of the Child and the work of the Ombudsmen of B&H.

12. As a national mechanism for the protection of human rights, the Ombudsmen Office of B&H with those and similar activities fulfills its wide mandate on promotion of human rights and the rights of the child.

13. The Department for monitoring of children's rights at the Ombudsmen Office of B&H permanently employs two lawyers who together with project staff (two lawyers, two psychologists, an economist and a technical assistant), who are competent to work on complaints on violations of children's rights, along with other institutions and individuals work on improvement in the field of protection of children's rights.

14. The Ombudsmen of B&H will continue through established priorities in the "Strategy of work of the Institution of Ombudsmen for human rights 2010 – 2014" to raise awareness of adults on rights and obligations related to the Convention and protocols, also other international and domestic instruments for protection of children's rights.

Reply to the issues raised in paragraph 3 of the list of issues

15. According to the definitions from Criminal law (article 2, paragraph 9 and 10, of the Criminal law of B&H) a child is a person younger than 14 years old, and a juvenile is a person up to 18 years old. Definitions are the same in the Criminal Law of Brčko District, while the definition of a child or a juvenile is not specified in the Criminal Law of the Republic of Srpska, except that in article 69 criminal sanctions are set out for juveniles, where a difference was made for ages 14, 16 and 18 years old.

16. As a separate problem we can highlight the inequality of criminal laws in B&H with regard to the definition of criminal acts that are related to the sale of children, child prostitution and pornography, and especially with regard to the range of law sanctions, which is a violation of the basic principle of criminal law, and which is the principle of legality and equal access to the justice system for all citizens of B&H.

17. For example, a sexual act with a child in article 207 of the Criminal Law (CL) of the Federation of Bosnia and Herzegovina (FB&H) and article 204 of the CL of Brčko District (BD), or sexual violence against a child as defined in article 195, CL of Republic of Srpska (RS). For a criminal act in paragraph 3 in RS a sentence of 5 to 15 years of imprisonment is set out, and for the same crime in CL of FB&H and BD, the sentence is imprisonment from 1 to 10 years.

18. For the crime of incest in article 213, paragraph 2, CL FB&H, the sentence is 1 to 5 years of imprisonment for a juvenile, and in paragraph 3, for a child, the sentence is 2 to 5 years.

19. In CL RS the same crime is defined by paragraph 2 in article 201, the sentence is 1 to 8 years of imprisonment, the same for a child and a juvenile, while in article 210 paragraph 2 CL BD, for a juvenile, sentence is imprisonment from 6 months to 5 years, and in paragraph 3, for a child, sentence of imprisonment from 1 to 8 years.

20. For the crime of soliciting to prostitution, the sentence is 3 to 5 years of imprisonment when the victim is a child or juvenile (article 210 paragraph 4, CL FB&H, and article 207, paragraph 4, CL BD), while the same crime by the name of trafficking of human beings for prostitution, article 198, paragraph 4, CL RS, the sentence is 1 to 12 years of imprisonment.

21. For the crime of maltreatment of a child or juvenile for pornography (article 211 paragraph 1 CL FB&H and article 208 paragraph 1 BD), the sentence is 1 to 5 years of imprisonment, while for the same crime (article 199 CL RS) the sentence is from 6 months to 5 years of imprisonment.

22. A special problem is the definition of this crime, because based on article 211 CL FB&H and article 208 CL BD a crime exists for possession of items of a pornographic nature “who captures child or juvenile for making of photos, audio or video material or other items of pornographic nature, possess, imports, sale, divides it or shows such material, or those persons implore to get involved in pornographic performances.”

23. According to the definition in article 200 CL RS, it is not enough to just have items that represent child pornography, but the definition of this crimes says: “who offers, distribute, shows, or in the other way makes available documents, photos, audio and video material or other items which represent child pornography or who makes such materials for that purpose makes, receives or holds, or who makes child pornography performances.” In this article, paragraph 2, as a qualitative form of this crime, if the crime from paragraph 1 was committed against a person younger than 16 years of age, the criminal will be sentenced to up to 3 years of prison.” In paragraph 3 “if the deed was made by using some form of media or internet, the person will be punished with 6 months to 5 years of

imprisonment.” In paragraph 4 was added an explanation on child pornography “Under child pornography it is assumed material which visually presents:

- (a) Child or juvenile as an actor in sexual behavior and
- (b) Realistic photos which presents child or juvenile as an actor in sexual behavior.

Paragraphs 2, 3 and 4 are not included in CL FB&H and CL BD.

24. Those examples show enough about the need for law harmonization with regards to the definition of criminal acts and sanctions.

Reporting obligation

25. Criminal Law defines reporting obligation for reporting on crimes against children about which they were informed or they know about by some other way for all official and responsible individuals on all levels of government, public firms and institutions. This obligation is especially important for health-care employees, professors, teachers, parents, caregivers, adopters and other persons who are authorized and responsible for protection and providing help to juveniles, to monitor, raise and discipline juveniles, and who are aware or suspect that a juvenile is a victim of sexual, physical or other violence. So if such a notion exists, they are obliged to inform the authorized official or prosecutor. In cases where the victim is a child everyone is obliged to report that crime, and not reporting makes a crime in itself.

26. With regard to this legal obligation it has been noticed that in practice there is a problem in identifying crime and violators, and also there is an incorrect approach in dealing with victims of human trafficking and other forms of sexual crimes.

27. Lately were noticed broader cases of crimes of child pornography distribution through internet, which are difficult to detect because of modern use of technology, which makes crimes easier for criminals, and all kinds of new ways of committing such crimes. Besides that, those crimes are crossing borders, so they have transnational character of organized crimes, which brings out the need for training in cross-border cooperation, which has to be led in accordance with international conventions, protocols and agreements on cooperation, which were signed and ratified by B&H.

28. The Convention on Cybercrime was ratified by B&H in 2006 and with regard to that, some activities were already started for improvement of protection of children against child pornography, pedophilia, for strengthening of specialized and technical capacities, and in the part of harmonization of criminal laws. Currently there is a project which has the aim to draft an action plan for combating child pornography, which is implemented in cooperation with Save the Children Norway.

29. The Government of Bosnia and Herzegovina seriously considers approaching to multilateral agreements, contracts and conventions, considering all possible implications for its law system, especially the way and method by which the Government of Bosnia and Herzegovina will fulfill its obligations that come from approach to new international instruments for realistic planning of obligation and possible financial expenses. It has considered the possibility of approach to:

- The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
- The Convention on the International Recovery of Child Support and Other Forms of Family Maintenance

- The Convention on contact concerning children

30. With regard to this, we highlight the following:

With regard to information given in the Report of B&H on the implementation of the Optional protocol to the Convention on the Rights of the Child on the sale of children, child pornography and child prostitution, dated 15.05.2008 and with regard to the laws of B&H which give definitions on crimes against children, we would like to add that in the meantime an amendment law has been made to the Criminal Law of B&H ("Official journal B&H", no: 8/2010, dated 02.02.2010), and the following changes have been made:

- Article 185, paragraph 2 CL B&H – offense of establishing slavery and transportation for the purpose of slavery - text was changed and it can be read in the mentioned law ;
- Article 186 – offense of human trafficking- was also changed;
- In article 187, paragraph 2 – offense – International soliciting for purpose of prostitution – words "6 months to 5 years" are changed to "1 to 10 years";
- Paragraph 3 was deleted;
- Paragraph 4 becomes paragraph 3;
- Article 189 – offense of smuggling humans – was changed and now contains paragraphs 1-6, and in paragraph 4 was introduced a new term, and that is: person younger than 18 years old – which means that the terms "child" or "juvenile" are no longer used, and that applies to articles 185 and 186 CL B&H.

Reply to the issues raised in paragraph 4 of the list of issues

31. At the State level it's already made consideration for approaching to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993). In B&H were adopted Family Law (FL) of the Federation of B&H, the Republic of Srpska, and Brčko District B&H. Articles that regulate adoption are already harmonized with article 21 of CRC.

32. The Law defines that the process of adoption is carried out by the Center of social welfare, as an official guardian institution, which in each case proceeds based on collected evidence and facts, and based on consent of all parties in the process (parents, caregivers, adopters, and the child, if the child is older than 10) confirms the existence of legal assumptions for adoption and the best interests of the child.

33. FL FB&H states that the adopter can be a foreigner if the adoption is in the best interests of the child and if the child cannot be adopted in Bosnia and Herzegovina. Such an adoption cannot be made without prior consent by the federal office responsible for social welfare.

34. FL BD B&H ("Official journal no: 23/07") defines that the process of adoption is carried out by the Center of social welfare as a official institution of guardianship, which in each case based on collected evidence and facts, and based on the consent of all parties in the process (parents, caregivers, adopters, and the child if the child is older than 10) confirms the existence of legal assumptions for adoption and the best interests of the child.

35. FL BD B&H states that the adopter can be a foreigner if the adoption is in the best interests of the child and if the child cannot be adopted in Bosnia and Herzegovina. Such an

adoption cannot be made without prior consent by the federal office responsible for social welfare.

36. Because of the above stated B&H have made legal assumptions that prevent forced consent for adoption. Further, any form of not caring and neglect of children is forbidden and is punishable by criminal law which defines the duties and obligations of parents with regard to child care and protection from neglect and vulnerability to any form of violence.

37. In the Family Law FB&H in Part III- Header C – Rights and duties of parents and children, article 134 outlines measures of child protection.

“(1) Parents are obligated to take care of a child’s life and health

(2) Parents are obligated to take care of children, fulfill their normal needs and protect them from all forms of indulgence: drugs, alcohol, homelessness, robbery, theft, prostitution, begging, and all other forms of juvenile delinquency, and violence, injuries, economic exploitation, sexual exploitation and all other asocial forms.”

38. Also, at Header C- Protection of individual rights and interests of child- Article 150 paragraph 1 and 2 outlines that:

“(1) The guardian institution is officially obligated to take the necessary measures to protect child rights and best interests, based on direct knowledge or information

(2) Notice on violation of child rights, and especially on violence, torture or sexual harassment are obligatory to be sent without any delay to the guardian institution, all institutions, offices, organization, and individuals”

39. Included in Header C- Abolition of parental care - Article 154. paragraph 1 and 2 outlines that:

“A parent who by abuse of his/her rights, or with serious neglect of their duties, or leaving of a child, or neglect of a child who does not live with him/her, and putting in danger health and morals of a child, or who does not protect a child from such behavior from the other parent or another person, the court will take away parental custody in an out-of-court process.

Family Law RS

40. Article 3:

“The Republic of Srpska provides special protection for families, mothers and children in accordance with internationally recognized human rights and basic freedoms.”

Abolition of parental care and obligations

41. Article 106:

“(1) Parents who are harassing a child, misuse parental rights, or abandon a child, or have left a child and neglected their parental responsibilities, the court will in out-of-court process confiscate parental custody.

(2) A parent misuses parental right and duties if he/she:

- physically or psychologically violates a child,
- sexually exploits a child,
- exploits a child by forcing him to overwork or to perform a job not appropriate to the child’s age,

- allows a child use of alcohol, drugs or other opiates or encourages a child to do so,
 - directs a child to any type of socially unacceptable behaviors,
 - excessively violates in any other way the rights of a child.
- (3) Parental severe neglect of parental duties and rights if a parent:
- abandons a child;
 - does not take care of a child for longer than a month;
 - does not make good conditions for living with a child who lives with some other family or in institution, and there are no real reasons for that;
 - neglects fulfillment of basic life needs of a child that lives with a parent, or does not follow measures previously prescribed by official administration.
- (4) The Court can renew rights to a parent if the reason for taking them away is removed.”

Family Law BD B&H

42. Article 136 (Abolition of parental care):

- “(1) “A parent who by abuse of his/her rights, or by serious neglect of their duties, or leaving of a child, or neglect of a child who does not live with him/her, and putting in danger health and morals of a child, or who does not protect a child from such behavior from the other parent or another person, the court will take away parental custody in an out-of-court process;.
- (2) Abuse exists in cases of physical and psychological violence against a child, sexual exploitation of a child, directing a child to socially unacceptable behavior, and other forms of severe children’s rights violation;
- (3) Severe neglect exists in cases when a parent does not financially support a child for longer than three months, does not respect previously prescribed measures for protection of a child’s rights and interests, does not stop a child from consumption of alcohol, drugs or other opiates, or does not forbid a child’s late time out for a child younger than 16;
- (4) A parent that does not live with a child can lose his rights of parenting if for a year he does not fulfil parental obligations and rights, for those rights the parent did not lose before;
- (5) A parent can lose custody if he does not create conditions for contact between the child and the other parent, or obstructs their relation;
- (6) In the process of abolition of parental care from one or both parents, the Guardianship institution will name a special guardian. This guardian fulfills his duties after taking the measures indicated in paragraph 1 of this article;
- (7) By this measure the rights and obligations of the parents are ended, except for the obligation for financial support;
- (8) Parental custody will be returned when the court decides that the reasons for that are terminated.
- (9) A court decision on abolition and return of parental custody, the court will be delivered to the birth register office, guardianship institution, and if a child has some

right to some real estate, the decision will be sent to the real estate office for their information.”

43. Article 130 (Child housing)

“(1) Based on the demand of one or both parents, the Guardianship office can place a child in some other family or institution if that is necessary for the protection of the child’s best interests.

(2) A decision from paragraph 1 of this article by the Guardianship institution will be made without the parents’ consent if the parents are absent, stopped or not capable of taking care of a child, but did not give the child to be raised by a person capable of doing so.

(3) Housing, care and raising of a child in this way will last as long there is a need for that.

(4) A complaint about a decision from paragraph 2 of this article does not delay fulfillment of that decision.”

44. In B&H through family laws were created legal assumptions for prevention of crimes such as sale of children, child pornography and prostitution.

Reply to the issues raised in paragraph 5 of the list of issues

(a) The number of reported cases, investigations, prosecutions and convictions for the offences of sale of children, child prostitution or child pornography, in particular against the members of the police and staff of private security companies, disaggregated by the nationality of perpetrator(s)

45. With regard to question No. 5 (a), we have data from the cantonal Prosecutor’s offices in the Federation of B&H, as follows:

- For criminal offense- Soliciting on prostitution 210 CL FB&H, in 2009 25 individuals were reported. Investigations were carried out on 28 people (three cases from previous years)
 - After investigations were finished, charges were made in 8 cases, which were confirmed by a judge and based on that there were 8 convictions, 7 imprisonments and 1 conditional sentence.
 - Against one person the process was stopped.
 - 3 individuals were given release sentences, and 2 individuals got rejected sentences.
- For criminal offense- maltreatment of child or juvenile with pornography from article 211 CL FB&H, in 2009 8 individuals were reported.
 - Orders for investigation were made against 4 individuals, an Order on non conducting investigation was made for 1 individual, and for 1 individual investigation was stopped.
 - Against one person an indictment was made, which was confirmed.
 - 3 guilty verdicts were given (for cases from past period), and those were conditional sentences.

- For criminal offense- Introducing of pornography to a child from article 212 CL FB&H during 2009 one individual was reported, for whom an Order on no investigating was made.

46. We do not have information whether among those reported was anyone from the police, or staff from private firms, or their nationality.

(b) The number of child victims provided with recovery assistance and compensation as defined in article 9 paragraphs 3 and 4 of the Optional protocol as well as the existence of any reintegration programmes provided for the victims.

47. According to the report of the State Coordinator in 2007, out of 28 identified victims, 85% were juveniles. According to the report for 2008(as a result of data analysis made by NGOs, police agencies, prosecutors and other official institutions) 25 juvenile victims were identified as exploited through organized coordination in prostitution. In other countries 3 victims of human trafficking/soliciting on prostitution were identified. 15 persons have accepted accommodation and the help of safety houses and got rehabilitation.

Reply to the issues raised in paragraph 6 of the list of issues

48. Articles in Criminal Law B&H, and entities criminal laws and CL of Brčko District, beside other things, define the responsibility of legal entities in criminal offenses. The principle of the responsibility of the legal entity is based on the guilt of the responsible person.

49. Article 11. of CL B&H outlines that the criminal legislation of B&H applies to legal entities in accordance with Header XIV (Responsibility of legal entities for criminal offenses) and by other laws of Bosnia and Herzegovina.

50. Article 123.CL B&H outlines that domestic and foreign legal entities are responsible for criminal acts committed on the territory of Bosnia and Herzegovina. The same article classifies that legal entities which have headquarters on the territory of Bosnia and Herzegovina, or that are doing their business, are responsible for an offense committed outside of Bosnia and Herzegovina, if the offense was committed against Bosnia and Herzegovina, its citizens and domestic legal entities. Paragraph 3 of this article outlines that a domestic legal entity responsible for a criminal offense committed against a foreign country, foreigners or foreign legal entities under the conditions in article 9, CL B&H, (Application of the criminal legislation of Bosnia and Herzegovina for crimes committed outside of Bosnia and Herzegovina) which outlines the application of criminal legislation to anyone who commits a criminal offense which Bosnia and Herzegovina is obligated to punish according to international law, international and intergovernmental agreements.

51. Article 124.CL B&H outlines the bases for responsibility of a legal entity, and a person who commits a crime in the name, for the interest or account of a responsible legal entity when:

- the meaning of the crime committed comes from the conclusion, order or approval of administrators or monitoring organs;
- an administrator or monitoring organs directed the offender or made a condition for the offender to commit a crime;
- a legal entity has belongings or has financial benefits from some crime;
- an administrator or monitoring bodies of some legal entity overlooks the legality of the work of employees.

52. By article 125.CL B&H is outlined the responsibility of a legal entity for offenses, and that responsibility does not exclude the responsibility of an individual for the same crime.

53. Article 127.CL B&H defines the responsibility of a legal entity for an attempted offense, and that this is punishable as for the same committed crime, but the sentence can be reduced.

54. Article 131.CL B&H outlines the penalty for legal entities: (1) fine in certain value (2) property confiscating and (3) termination of the legal entity. The fine for a legal entity cannot be less 5,000 BAM or higher than 5,000,000 BAM. Property confiscating can happen for crimes for which the sentence is 5 years of prison or longer, and in that case less than a half, a bigger part or even the whole property can be taken. The termination of a legal entity will happen if same was used solely or by for bigger part for committing crime. With this penalty can be sentenced the penalty of property confiscating.

55. Article 140.CL B&H outlines that if a legal entity gets some material benefit from a crime committed, same will be taken away from the offender.

56. Article 144.CL B&H outlines penalties for crimes.

Reply to the issues raised in paragraph 7 of the list of issues

57. Article 9.CL B&H regulates the use of the criminal legislation of Bosnia and Herzegovina for crimes committed outside of B&H. It is outlined that the legislation of Bosnia and Herzegovina will be used against anyone who commits a crime outside of Bosnia and Herzegovina, but which Bosnia and Herzegovina has to prosecute based on its obligation that comes from international law, all signed international conventions and agreements.

58. The same article applies to citizens of Bosnia and Herzegovina who commit any crime outside of the territory of B&H. The criminal legislation of Bosnia and Herzegovina applies to a foreigner who commits a crime outside of B&H, but against B&H and B&H citizens. Also the criminal legislation of Bosnia and Herzegovina is applied to a foreigner who commits a crime outside of B&H, but when that crime is punished on the territory where it was committed with 5 years of imprisonment or more.

59. In cases described in paragraph (2) and (3) of article 9, the criminal legislation of Bosnia and Herzegovina will only be applied if the offender is found on the territory of B&H or was extradited, and in the case of a crime from paragraph (4) only if the offender was found on the territory and will not be extradited to another country.

60. According to available data extradition was made for a case of the rape of a juvenile, and a sexual act with a child.

Reply to the issues raised in paragraph 8 of the list of issues

61. Protection of the best interests of the child is an obligatory standard for official institutions of B&H and official organizations.

62. It cannot be said that legislation on social welfare explicitly outlines reintegration of the victim, but in an indirect way can be used for use of this right. Treatment of children that are victims of human trafficking is solved through rights prescribed for children with socially negative behavior.

63. For the best protection of children, the Center of social welfare as guardian institution, or the main service of social protection in the local community, is legally obliged to take the necessary measures for the protection of rights and support to all children that are victims of maltreatment and neglect, that endangers a child's life, health and development, and that was based on direct knowledge or report.

64. Also, anyone who suspects that a child is endangered, if injury or damage was committed, or is at risk of possible damage of health and development, has a right and obligation to report that. Besides the Centers for social welfare, the police have a duty to respond in such situations, so a report can be addressed to the police too, which will, together with the Centers of social welfare, consider the next step to take.

65. Immediately after discovering violent behavior by a health care institution, social, child care, educational or other institutions, every individual has a right and obligation to send a report to a responsible police office. In certain cases, the police, prosecutors and/or the court informs the Center for social welfare of their awareness that a child is in need of protection. When an official from one of the above-mentioned institutions reports on a certain case to the Center, it is recommended to have a discussion with the child's family about the concern for the child, to ask for necessary information from the parents and to inform them that they will report it to the Center, which is a common process in such cases when such discussion will not raise the risk of harm for the child.

66. For the purpose of strengthening of the capacities of B&H, the State coordinator for human trafficking and illegal immigration in B&H has presented to the authorities of B&H in January of 2009 a new project for combating human trafficking. The project will be implemented in the following three years with the support of the American government through the United States Agency for International Development (USAID), and the main objective is the education of social workers, professors and students in every high school in B&H on issues regarding victims of human trafficking. In 125 centers of social services a protocol will be implemented on work with victims of human trafficking, and that will be direct training of social workers on how to recognize victims of trafficking and protect them.

67. The NGOs are still the main providers of activities for accommodation and rehabilitation of victims of violence.

68. The Ombudsmen office gave a recommendation based on research that indicated that begging is a very widespread form of child exploitation in cases of children trafficking, for improvement of the current situation with regard to children begging on streets. Considering that the majority of those children are Roma, the Ministry for Human Rights and Refugees B&H carried out registration of the Roma population in cooperation with the Center of social welfare in December 2009 and January 2010. For prevention purposes was Revised Action plan for the education needs of the Roma, which was adopted by the B&H Council of ministers on 14 July 2010.

69. In 2009 the B&H Ministry of Security in cooperation with Save the Children Norway, started a series of activities: seminars for NGOs, initial training for representatives of the police force in B&H; a working group was formed with members from different representatives of safety agencies and ministries, which was tasked to draft an Action plan for improvement of child protection from pornography, and other forms of sexual abuse through information and communication technologies in B&H 2010 – 2012.

70. At the same time the project Consortium of NGOs (International forum on solidarity- EMAUS, “United women” association, and Source Code d.o.o. firm) was started. The Project plans to carry out activities on raising awareness of the whole of society, establishment of a free SOS phone emergency line and educating of children and adults.
