

**ALTERNATIVE REPORT ON THE IMPLEMENTATION OF THE OPTIONAL
PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE
OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY
BOSNIA AND HERZEGOVINA 2010**

1. DRAFT PROCEDURE

This report has been drafted upon an invitation of the NGO group for the rights of the child, based on the data gathered from a five-year-long monitoring of children's rights in BH and practices of ten different citizens associations working with children. This report is a result of the partnership between two organisations – „Hi Neighbour“ and „Our Children“. Analyses and recommendations were supported by 10 organisations – members of an informal coalition of organisations working with and for children in BiH: Fondacija lokalne demokratije (Foundation of Local Democracy) – Sarajevo; „Budimo aktivni“ („Let's be Active“) – Sarajevo; „Budućnost“ („Future“) – Modriča; „Naša djeca“ („Our Children“) – Sarajevo; „Naša djeca“ („Our Children“) – Zenica; „Zdravo da ste“ („Hi Neighbour“) – Banja Luka; „Step by Step“ – Sarajevo; „Sretni Romi“ („Happy Roma“) - Tuzla; „Zemlja djece“ („Land of Children“) – Tuzla; „Svjetionik“ („Lighthouse“) – Prijedor; Udruženje za pomoc mentalno nedovoljno razvijenih lica (Association for helping mentally insufficiently developed persons) - Banja Luka; „Sunce nam je zajedničko“ („We share a common Sun“) – Trebinje).

The report also contains children's authentic contributions and views on issues regulated by this Protocol; this is due to the fact that the state report on the OPSC had not included children's participation when it was being drafted. Working in focus groups, two groups of children stated their opinions and continued to perform their research activities. The goal of children's participation in reporting was to present their opinions on OPSC issues, their understanding of respective terms, i.e. the levels to which they are informed as well as whom they would address in case they felt at risk. Focus groups comprised of 41 children aged 12-15, from primary schools with which our associations cooperate as well as the beneficiaries of „Hi Neighbour“ Youth Centre and the Child Rights Centre „Our Children“.

We have used the following for the development of this report: The BH Report on the Implementation of the Optional Protocol to the Convention on the Rights of Children on the Sale of Children, Child Prostitution and Child Pornography; materials of the NGO group for drafting alternative reports; annual reports on the situation of children's rights in Bosnia and Herzegovina; materials from two focus group discussions held with children; public sources of information and data on the work of NGOs.

From what we have found out, the state did not include non-governmental organisations in the making of its initial report on the implementation of the Optional Protocol to the Convention of the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography for the period from 2003 to 2007. The completed state report was presented within the framework of a wider conference and thus there was no separate public discussion to address the reports on both optional protocols.

The state report is focused on the presentation and description of the legal setup, but does not sufficiently address the relevant practices, i.e. how to attain the rights and it does not contain data on the efficiency of adopted regulations. The state report is available upon request; however, it has not been publicly displayed for use. It has not been publicly announced, published or disseminated.

2. LEGAL STATUS OF THE OPSC PROTOCOL IN BH

The Convention on the Rights of the Child is listed in Annex 1 to the Constitution of BiH along with 15 international documents. Thereby, the Convention gained the status of a *constitutional regulation* and its direct application has been enabled. Ever since the CRC was signed and ratified in our country, there have not been many indictments for sexual abuse of a minor person on the grounds of regulations of the Convention on the Rights of the Child.¹

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography is implemented in line with the basic principles of the CRC along with a consistent application of Convention articles addressing illegal separation of families; protection of families and children and protection of children against different forms of exploitation (Articles 1, 11, 21, 32, 33, 34, 35 and 36).

¹ In Tuzla in 2008, the public prosecutor decided to refer to the Convention on the Rights of the Child in a case of sexual abuse of a girl who was older than 14.

International documents that have been signed and ratified by the state are part of the legal system of Bosnia and Herzegovina. All authority functions and all authorisations that are not prescribed by the Constitution of Bosnia and Herzegovina are ascribed to the Federation BiH, Republika Srpska and the Brčko District of BiH. *Local legal mechanisms* used to restrain child pornography; prostitution and paedophilia are the Criminal Laws of Bosnia and Herzegovina, Federation BiH, Republika Srpska and Brčko District of BiH. They have neither been harmonised with each other, nor with other international standards. Within the framework of existing criminal laws, criminal and legal protection of children comprises physical violence, sexual violence against sexual integrity; psychological/emotional violence and different forms of harassment; fornication can also be linked with trafficking and pornography; domestic violence; other specific forms of violence against children. The terms and conditions for the implementation of penal measures with the aim to restrain *organised crime* and put an end to cross-border trafficking of people have been met by adopting the Criminal Law of Bosnia and Herzegovina in 2003. All the afore-mentioned documents aim to protect children, women with children and young people against the worst forms of exploitation and *strengthen the networks of cooperation between national and international law-implementing institutions.*

3. INTERNATIONAL AID AND COOPERATION

The state report has fully examined the part concerning international aid and cooperation that had been established in the field of OPSC implementation. Activities that took place with the support of international aid in the period that has not been covered by the state report (the year 2009 and the beginning of 2010) have been examined in this report.

4. INSTITUTIONS RESPONSIBLE FOR THE IMPLEMENTATION OF THE PROTOCOL, MONITORING AND DISSEMINATION

The responsibility for the implementation, monitoring and dissemination of the Protocol is assigned to the Council of Ministers of BiH. The Council transferred this jurisdiction to relevant ministries and the State Coordinator for Combating Trafficking in Human Beings and illegal Immigration.

The State Report has extensively listed all the institutions and their responsibilities with regards to the implementation and monitoring of the Protocol. However, the State Report does not provide complete data on the Council for Children that has been formed as an advisory body within the

Ministry for Human Rights and Refugees, whose main task is to supervise the implementation of the Action Plan for Children 2002-2010. The re-election in the Council for Children has not been carried out since 2006, and some of its functions are performed by the administrative and professional service of the Ministry for Human Rights and Refugees. Despite the recommendations of the *Committee on the Rights of the Child following the Initial State Report on CRC to strengthen the Council for Children with adequate human and financial resources, its state remains unchanged.*

Children's access to ombudsmen and other appeal and report mechanisms

An ombudsman for children does not exist on the state level. Within the framework of the Institution of the Ombudsman of Bosnia and Herzegovina, there is a Department for Protection of the Rights of a Child. A significant portion of activities of the Department for the Protection of the Rights of a Child is supported by Save the Children Norway. In Republika Srpska there is an Ombudsman for children formed by the Government. This function is financed from the Government budget. There is an issue concerning the undefined responsibilities of the Ombudsman BiH Department for Protection of the Rights of the Child and the Ombudsman for Children of Republika Srpska, even though both institutions carry out significant and important activities.

There are a few SOS telephone lines in the country that children can use should they need protection against trafficking, prostitution and pornography. Those lines have been opened within the framework of activities of the following non-governmental organisations: NGO "Žene" ("Women") Mostar, "Medika" Tuzla, "Fondacija lokalne demokratije" (Foundation of Local Democracy) Sarajevo, "Udružene žene" (Women united) Banja Luka. The Ministry of Justice of Republika Srpska has launched an initiative to change legal regulations with regards to child pornography since, for the time being, the possession of pornographic material containing children is not considered to be a crime. However, the distribution of such materials is sanctioned. This practically means that a person could have such pornographic material on their computer or mobile phone, but is not allowed to share it with other persons since distribution of such material is a criminal act. This is a regulation which is not in line with existing European Conventions and it needs to be changed.

Concrete initiatives to amend the laws on issues addressed by the Protocol

The Protocol initiated changes in BiH legislation:

- The House of Representatives of the Parliament of BiH empowered the Ministry of Justice of BiH and the Ministry of Security of BiH to prepare the amendments to the Criminal Code of BiH

anticipating maximum sentence enhancement for rape of minors and paedophilia, among others. Amendments to the Criminal Code were adopted in January 2010, penalties for sale, trafficking and prostitution of children tightened. Harmonisation of relevant entity and Brčko District laws and amendments is expected.

-The initiative to amend the existing Criminal Code of Republika Srpska, Article 200 in the section regulating criminal offences related to child pornography, whereby the possession of child pornography materials is *not regulated as an element of criminal offence*.

- The Minister of Justice of Republika Srpska announced that prison sentences for paedophiles are to be increased to ten years instead of the current one to five years. Hereby, the entity and Brčko District criminal policies would be harmonised. Additionally, inappropriate usage of child pornography in Internet club is to be punished with rigorous prison sentences.

General dissemination of information on the Protocol and plans of action regarding sexual abuse

Apart from professionals working on these issues and certain non-governmental organisations working with children, others have neither been informed that Bosnia and Herzegovina ratified this Protocol nor have they been acquainted with its Contents and responsibilities of the State.

Training of professionals on the Protocol

Seminars titled Implementation of international mechanisms for processing instances of trafficking in people were organised and held in Banja Luka, Sarajevo and Mostar in September 2006. Their goal was to educate the prosecutors of Bosnia and Herzegovina. It was concluded that the most frequent occurrence of trafficking of women was due to prostitution and that child abuse, child begging, forced marriages, etc. was becoming more and more frequent.

A textbook for teachers in primary and secondary schools titled “Teacher Training in the Field of Human Trafficking” was developed. It was intended to be used by head-teachers for their general class. Using this textbook for general classes would ensure a continuous prevention, education and information for school-going children.

Throughout 2008, supported by Save the Children Norway SEE, we organised seminars on which participants attended lectures related to standardised procedures of different professions with regards to protection and treatment of child victims and witnesses of human trafficking in Bosnia and Herzegovina and the protection of children in their places of residence which are related to education, health and social protection, as well as in the fields related to police and prosecution authorisations.

A guidebook called Standardised Procedures of Different Professions in Treatment and Protection of Children Victims and Victims/Witnesses of Trafficking in Human Beings in BiH – The Protection of Children in their places of Residence has been completed. In 2008, two seminars for professionals were organised with the aim to offer education in the field of implementation of standardised procedures.

The Ministry of Security of Bosnia and Herzegovina and Save the Children Norway SEE Sarajevo are implementing the project called “A Comprehensive Approach to Resolving the Problems of Child Pornography in Bosnia and Herzegovina”. This project is based on the findings of the research called “Children Speak Out: What influences child trafficking in Southeast Europe – report from BiH” published by Save the Children Norway SEE in 2007. The project was carried in the period between 2008 and 2010; its aim was to establish an efficient mechanism for combating child pornography and other forms of sexual abuse and exploitation of children through information and communication technologies and in line with the aforesaid, to strengthen the child protection systems. The purpose of this project is to make the state develop mechanisms with which to respond to the issue of child pornography. For that purpose, it is necessary to engage both parents and children and inform them about the potential threats children might face on the Internet, and familiarise them with the notion of child pornography and other forms of sexual abuse and exploitation of children through information and communication technologies. Project’s specific goals are building institutional capacities for combating child pornography in Bosnia and Herzegovina as well as other forms of sexual abuse and exploitation of children through information and communication technologies and reducing the vulnerability of children to child pornography and other forms of sexual abuse and exploitation of children through new technologies by raising their awareness of these issues and participation in creating adequate prevention measures. In 2009, as part of the Project, the Ministry of Security, in cooperation with Save the Children Norway, organised a noteworthy training for non-governmental organisations on the Prevention of abuse and exploitation of children through information and communication technologies.

For the realisation of the prevention programme, a public invitation was issued by NGOs for projects in this field. Towards the end of 2009, an NGO project called International Forum of Solidarity EMMAUS was selected. The project will be realised through the establishment of a hotline and an SOS telephone line, organisation of workshops and seminars, campaigns, education programmes

through schools, media and NGOs. These activities are intended for children, parents, teachers, as well as other Internet users.

Throughout 2008, the material titled “An Analysis of Capacities, Procedures and Deficiencies in the System of Child Protection against Child Pornography in Bosnia and Herzegovina and Recommendations for the Development of the Mechanism for combating Child Pornography in Bosnia and Herzegovina” was completed and published. In December 2009, the Council of Ministers of Bosnia and Herzegovina adopted a “Plan of action for the improvement of the system for the protection of children against child pornography and other forms of sexual abuse and exploitation of children through information and communication technologies in Bosnia and Herzegovina 2010-2012”. Public promotion of this Plan of action was held on 23rd March 2010.

Sex education for children, reproductive health, counselling and access to information

The education programme in this field has not been included in the regular education system. The education for the improvement and protection of sexual and reproductive health of children falls mainly within the competence of health institutions and non-governmental institutions. Zenica-Doboj Canton could serve as a positive example, where the NGO “Our Children” Zenica managed to lobby the cantonal Ministry of Education to include these topics into the curriculum for general education lessons.

In the past ten years, non-governmental organisations and health institutions have been working on the education of children and young people and the protection and improvement of sexual and reproductive health. Peer education is carried out by trained peer educators through workshops and campaigns. Dispensaries for the young have been opened within health institutions and organised in such a manner to provide privacy, information and a free service.

There are 16 youth friendly centres in Bosnia and Herzegovina in addition to info centres and dispensaries for the protection of sexual and reproductive health in four towns. The Association XY implemented a project called “Green Light” (2006-2009) which was intended for particularly vulnerable groups with the aim to improve sexual and reproductive health and to improve their rights and strengthen the persons vulnerable for trafficking and people who had been trafficked for sexual exploitation in Bosnia and Herzegovina.

Association for helping mentally insufficiently developed persons in Banja Luka educated its members in the field of protection of sexual and reproductive health. The aim of the education was to protect such vulnerable groups from trafficking in human beings and other forms of sexual abuse.

Apart from the Association XY which is exclusively engaged in issues of health of young people, some other organisations have been included in the implementation of these programmes: Democratic Centre “Nove nade” (“New Hopes”) in Bihać, “Hi Neighbour” and “Taking Action against AIDS” in Banja Luka, “Our Children” in Zenica, “Vermont” in Brčko, “Abrašević” in Mostar, “Foundation of Local Democracy” in Sarajevo...

The need for classified data, particularly for children exposed to risk

In 2009, the Ministry for Human Rights and Refugees established a database on children victims of violence and a database on victims of trafficking in human beings. In 2009, the first report of the team established to monitor the implementation of the Strategy for combating violence against children for the period between 2007/2008 was submitted to the Council of Ministers. Centres for social works functioning on municipal levels, keep records on children exposed to risks observing the criteria regulated by family laws or laws on social and child protection. Entity Ministries of the Interior Affairs do not keep any records on persons convicted for sexual violence against children, but these convicts are kept under control in many other ways and therefore there is a slight possibility for those people to work with children once they had been convicted.

With the application of the Plan of Action for the Improvement of the System for the Protection against Child Pornography and other Forms of Sexual Abuse and Exploitation of Children through Information and Communication technologies in Bosnia and Herzegovina 2010-2012, the database on criminal offenders – paedophiles will be regulated and established and activities of these offenders monitored once they have been convicted, as well as their rehabilitation and re-inclusion in the society.

Civil Society and OPSC

Not a single non-governmental organisation in BiH is exclusively and specially focused on activities related to the Protocol. However, there is a significant number of non-governmental organisations engaged in issues treated by the Protocol; those are, in the first place, organisations engaged in monitoring the rights of the child, organisations working on the re-socialisation of victims of

different forms of exploitation and abuse of children, as well as organisations working with young people and organisations focused on the protection of women.

In the period between 2004 and 2009, non-governmental organisations “Budućnost” (“Future”) Modriča and Child Rights Centre Konjic implemented a project focused on awareness raising activities among children and interest groups on the dangers of child trafficking and referral mechanisms of protection.

In April 2005, lacking state capacities for accommodation and providing protection and aid for victims of trafficking, the Ministry of Security signed a Protocol on cooperation and provision of adequate and safe accommodation and care to foreigners, victims of human trafficking in Bosnia and Herzegovina with five non-governmental organisations that regulated their mutual rights and cooperative obligations in line with the Regulations on the protection of foreigners, victims of human trafficking. Those organisations manage six safe houses and these organisations are: International Forum of Solidarity (Gračanica and Sarajevo), Lara (Bijeljina), La Strada (Mostar), Medica (Zenica) and Žena BiH (Mostar).

Apart from these organisations, the Foundation of Local Democracy is also focused on the prevention and protection of victims of human trafficking. This organisation educated adolescents on issues of violence and trafficking in human beings on the local level. They have an open telephone line – the Green Line, a telephone line for Bosnia and Herzegovina for reporting domestic violence, trafficking in human beings, sexual harassment, sexually transmitted diseases, reproductive health and gender discrimination. Since October 2002, this organisation has been implementing a project called *You can do it*, within which a safe house for girls, victims of violence (trafficking, incest, prostitution) has been established and intended for female citizens of Bosnia and Herzegovina aged 12-18.

The Association for helping children and women, victims of domestic violence “Women’s Centre” Trebinje is engaged in educating teenagers on issues of trafficking, media campaigns for the rights of trafficking victims and their re-socialisation.

Women’s Association “Lara”, Bijeljina, is engaged in the provision of assistance to trafficking victims, education on prevention, awareness raising through media campaigns, and representation of victims in court.

“Women United”, Banja Luka, is an organisation working on the development and implementation of awareness raising activities in relation to the issue of trafficking in human beings in Bosnia and

Herzegovina, particularly trafficking in women and children as the most vulnerable population exposed to the influences of criminal networks of traffickers in the country.

Towards the end of 2005, the OSCE working group for combating trafficking in human beings for the Banja Luka region was established. Its aim was to implement long-term strategies, prevent and combat trafficking in human beings based on efficient partnership between all relevant actors engaged in combating human trafficking in the region.

5. DEFINITION OF THE CHILD

In different legal frameworks, the definition of the child was drawn up in different manners, which has been extensively described in the state report. Bearing in mind that terms are a starting point for understanding and interpreting the nature of criminal offences, it is necessary to note that the terms “minor” and “child” have been separately and clearly defined in the Criminal Code of BiH (Article 1, Paragraphs 11 and 10), criminal Code of the Federation BiH (Article 2, Paragraphs 10 and 9) and the Criminal Code of Brčko District (Article 2, Paragraphs 10 and 9). Latest amendments to the Criminal Code of Bosnia and Herzegovina dating from January 2010, all regulations for criminal offences defined by law, committed against minor persons relate to persons of less than 18 years of age. The Criminal Code of Republika Srpska defines the terms “younger minor” (14-16 years) and “older minor” (16-18 years) within regulations for criminal responsibility. Parts of the Code that discuss specific criminal offences committed against children and minors the terms “child” and “minor” have not been used consistently, which can lead to misinterpretation of regulations (e.g. in some instances, both terms are used, while in others only one of the terms is used). Defining the notion of the child in the framework of this Code shall be the subject of amendments and preparations for the amendments are in progress. Approximation of these definitions and adjustment to international standards is also necessary in other legal frameworks relating to child protection against trafficking, prostitution and pornography, protection of risk groups and definition of risk circumstances (travels, border services, register offices and registrations...).

6. APPLICATION OF GENERAL PRINCIPLES OF THE CRC

Constitutional solutions and relevant laws comply with the highest standards of European and global conventions and protocols on human and children's rights; *their consistent implementation* would enable a high level of protection of the rights of the child.

The Government report has extensively discussed the Annex 6 to the Dayton Peace Agreement – the so-called Agreement on Human Rights guaranteeing respect for human and children's rights. All the adopted laws have been listed and mechanisms for the protection of children's rights set up. *It is not disputable that these rights are being respected to a great extent.* However, certain segments of child rights protection do not function properly – not much is being done with risk groups regarding necessary prevention or in the field of re-socialisation of victims. With regards to informing, regulations of the Ethical Code related are often evaded by journalists reporting on minors.

The mere fact that the Law on the Prohibition of Discrimination² was passed in July 2009 states to what extent the people passing the laws are devoted to non-discrimination. With regards to this Law, the term “discrimination” shall be used to designate any unequal treatment, that is to say, exclusion, limitation or preferential treatment in relation to individuals or groups on the grounds of their peculiarity, status or political views. The central institution responsible for the protection against discrimination is the Ombudsman for Human Rights of Bosnia and Herzegovina, together with the Department for Protection of the rights of a child and a newly-established Human Rights Committee of Bosnia and Herzegovina at the Constitutional Court of BiH. This Law also imposes the establishment of a database on persons who have been deprived of their right to non-discrimination. Special protection of children, victims of trafficking in human beings, defined by regulations on the protection of victims of trafficking prescribes special forms of care in the period of rehabilitation and protection against all forms of discrimination of children. It is often the case that *gender affiliation and our traditional views* of a female victim put her in a complicated and discriminating position, even though attempts to improve the conditions in this field were made through the application of the BiH Gender Action Plan and relevant laws.

² Pursuant to Article IV. 4. a) of the Constitution of Bosnia and Herzegovina, at the 57th session of the House of Representatives, held on 8th July 2009, and the 33rd session of the House of Peoples, held on 23rd July 2009, the Parliamentary Assembly of Bosnia and Herzegovina adopted the Law on the Prohibition of Discrimination

Children and young people, victims of exploitation and abuse in institutions are often brought into a discriminating position with regards to other victims due to the inaccessibility of institutions and their authorisations. Hereby, we are referring to different institutes, religious institutions and officials.

The right to life, survival and development of children in Bosnia and Herzegovina, as a basic right and a precondition for all other rights, is jeopardised by the objective state of affairs which cannot be influenced by the government sector; in many cases, this is a consequence of an inert administration, structural setup of the state and unreasonable policies of the ruling system.

Threats to the right to life are often a consequence of past events (uranium contamination, ruined infrastructure, poverty of a large number of families, poor health of children, children injured in car accidents, etc.). An increased number of children and young people exposed to different forms of sexual exploitation has mobilised the society to pass new documents for combating trafficking in human beings, harmonised with ICMPD Recommendations³ for the improvement of the legal framework and social mechanisms.

Child “victim” is denied the right to an adequate and healthy life and development as a result of the amount of brutality it suffered by nature of abuse and exploitation, as well as the process of determining the responsibility of the perpetrator.

The lack of adequate forms of protection of victim’s identity is particularly evident in media reports following such cases. This is manifested by publishing data referring to victim’s place of residence, data on his/her parents and sometimes by publishing photographs or the name of the victim. All the aforesaid make the care and re-socialisation of the child victims more difficult, particularly in smaller areas, endangering their lives and survival.

The protection of the best interest of the child is not only stated in the relevant laws, the rights of the child granted by the legal system or other institutions. The best interests of the child should be taken into account *on all the occasions in which decisions directly or indirectly affecting the life of a child are made.* Hereby, we are referring to the *provision of funds necessary for the implementation of rights prescribed* to children and families in line with relevant laws.

Children must not be the first to suffer from the consequences of the crisis by depriving them of their child support and other benefits, which is the case in certain cantons and municipalities.

³ Recommendations of the ICMPD (International Centre for Migration Policy Development) for the improvement of the legal framework and social mechanisms.

Respecting children's views – A child has the right to express his/her opinion on matters affecting his/her life but the realisation of this right remains on a declarative level. Parts of this report in which children's views are presented will show that children's participation in matters treated in the Protocol is very limited because it turned out that adults do not trust children when they wish to draw attention to a certain occurrence or ask for help.

In cases of violent behaviour or teacher's abuse of students, *school regulations*⁴ do not define the participation of students in the complaint procedure against the teacher or in the process of examining the responsibility or taking measures against the offender. Similarly, the Law on Primary Education does not anticipate the participation of the representative of the student's council in *school's disciplinary committee, thereby neglecting the principle to observe children's views in schools.*

7. CHILD ADOPTION

Despite the fact that the Committee has recommended certain measures for this field, there remains the necessity to additionally regulate the adoption procedure, particularly international adoption. In that way, international adoption of our children would be disabled without the participation of relevant services of BiH, as was the case with children who had been sent to Italy during the war. The Hague Convention on the Adoption of Children has not been ratified yet. Total adoption is still restrained to an age limit of 10 years. Republika Srpska passed and adopted a detailed Strategy for the improvement of social protection of children lacking parental care together with a plan of action for the period between 2009 and 2014. The Government of the Federation BiH adopted a Document on the protection policy for children with no parental care and families exposed to risks of separation for the period between 200 and 2016.

8. PROTECTION OF THE CHILD FROM ECONOMIC EXPLOITATION

The issues of economic exploitation of children in Bosnia and Herzegovina are primarily related to street children mostly engaged in begging. In terms of upbringing, hygiene, health and education, these children are totally uncared for. In some cases, this lifestyle can pose a threat to their health to such an extent that it could become life-threatening. They have been deprived of almost all the rights

⁴ School regulations are defined by respective primary or secondary school on the grounds of the cantonal laws on primary and secondary education. Having gained insight into several school regulations in FBiH we found that the complaint procedure did not anticipate student's participation in determining the responsibility and taking measures against the perpetrator.

guaranteed by the Convention on the Rights of the Child. The protection system that should operate on the state level and keep these children off the streets and appropriately sanction their families has completely failed in this case. There are no adequate and sufficient accommodation capacities to which these children could be transferred. Very few NGOs make contact with children who live and work in the streets through their programmes. Data from the research conducted by the “Land of Children”, Tuzla, state that 100-200 children, aged 1-16, are exposed to economic exploitation in larger town areas on a daily basis⁵. Among the interviewed children aged 7-16, 75% of them does not attend school, while the other 25% never went to school and is unable to read or write. The conditions in which these children live are extremely difficult (abandoned and ruined buildings, improvised shelters, etc.). Due to the fact that almost 90% of these children do not have a health insurance, 50% of them are ill. 30% of the children are either undernourished or anaemic. In most cases, neither the children nor their families are encompassed by the social security and protection system. Unprotected by the community and neglected by their parents or guardians, these children are an easy prey for organised criminal groups.⁶ Alongside street children, cases of exploitation of children for hard labour have lately been recorded. As a valid example, we would like to call on the warning issued by the Children’s Embassy Međaši stating that there are about 2000 minors working illegally in Republika Srpska. They usually work the late shift in catering establishments.⁷

9. PROTECTION OF CHILDREN FROM ALL FORMS OF SEXUAL EXPLOITATION

Sexual exploitation of children can assume the form of child pornography, paedophilia and child prostitution.

In Bosnia and Herzegovina, there is growing number of instances of different forms of sexual exploitation of minors by adults; instances of incest in the family; exploitation of minors by minors; sexual exploitation of a child by a minor of the same sex. There was a number of instances in which minor boys and girls have been exploited – three minor girls reported being forced to prostitution, which lead to the identification of organisers working in different institutions (schools, centres for social work, people from political circles); the coach who sexually exploited a minor from his team; cases where minors are exploited within given institutions. The data provided by the Office of the

⁵ Research conducted under the project for children living or working on streets which is realized in teenager center „Telex“ Tuzla, 2009.

⁶ NGO Report on the Implementation of the International Pact on Economic, Social and Cultural Rights in Bosnia and Herzegovina, ICVA BiH; June 2007.

⁷Minors work the late shift, Nezavisne novine, 25th November 2009

State Coordinator for Combating Trafficking in Human Beings and Illegal Immigration have shown that the number of local victims of prostitution as well as minor victims was increasing. Experiences in “safe houses” have shown that the methods used to force and intimidate the girls that are “in the business” were very rough, leaving permanent consequences.

Statistical data of the Prosecutor’s Office of Bosnia and Herzegovina related to trafficking in human beings (Article 186) in the period between 2003 and 2007 have shown that 13 investigations involving 47 persons had been carried out. There were six indictments for 13 persons, or 27.65%, whereas 5 people settled with the prosecution.⁸ The aforementioned data show how difficult it is to prove such crimes. At the same time, punishments are insignificant and therefore do not have the effect of deterring from crime, as it should be.

The evaluation of the Plan of Action for Combating Trafficking in Human Beings 2005-2007 was used to develop a new State Plan of Action for the period between 2008 and 2012. At the same time, the Council of Ministers adopted the document title Standardised Procedures in the Treatment and Protection of Children Victims and Victims/Witnesses of Trafficking in Human Beings in BiH. Within the “Regional Programme for Combating Trafficking in Children”, the Office of the State Coordinator, “Medica” Zenica and Save the Children Norway developed a “Legal manual for professionals employed within the district attorney’s office, police, social and health institutions – Protection of children against trafficking in human beings”.

Statistical data have also shown that *paedophilia is becoming more pronounced*. A comprehensive investigation to fight paedophilia called “Sledgehammer” was initiated in the middle of May 2008. 48 persons were investigated, 22 locations were searched and numerous hard-discs containing child pornography confiscated. Cooperation with the European Commission was achieved and aid provided within the framework of the TAIEX programme (the EC Instrument for Technical Assistance and Information Exchange). In cooperation with state institutions, education programmes intended for employees working in relevant agencies on the state level and ministries on entity, cantonal and district levels have been initiated. *Paedophilia was detected in religious institutions as well*. Two cases have been processed so far. In one of the cases, the incriminated person was convicted, whereas in the other case, despite the fact that two minor persons were involved, a verdict of release was passed (the verdict is not final). Even though the progress in combating paedophilia is evident, certain difficulties in investigation arise as a result of imprecise legal regulations and lack of

⁸ „Organised Crime in Bosnia and Herzegovina“ Mirza Smajić, Sarajevo, 2010

experience of relevant authorities beginning to face this for of crime. Not long ago, indictments were filed against an IT Student from Sarajevo for child and exploitation of minors, computer frauds and credit card forgery. The student was in possession of an excessive amount of pornographic material which he bought with forged credit cards, thereby making a significant profit. At the moment, the case of sexual exploitation of a minor Roma girl from Bratunac is in process. This process was initiated by detaining a significant number of people, suspected of participating in the abuse and exploitation of this girl (her grandmother, teachers, and religious officials, including the Minister of Security of BiH); it received great attention by the media. The media violated their Ethical Codes (reporting on minors) as well as the rights of a minor to protection. This case has also been abused for political purposes by diverting attention from the issue of child exploitation. This investigation is in process.

10. TAKING MEASURES AGAINST CHILD ABDUCTION, CHILD SALE AND TRAFFICKING

Having reviewed the Initial Report on the Implementation of the Convention on the Rights of the Child in Bosnia and Herzegovina, the Committee has recommended that Bosnia and Herzegovina additionally increased the efforts to fully implement and incorporate the OPSC into its criminal legislation system, as well as to identify, prevent and eliminate trafficking in children for sexual and other forms of exploitation. The Committee has also recommended that these issues be explored through research studies, that adequate assets be allocated for this purpose, adequate training provided to all relevant groups of professionals and worked on awareness raising and prevention. It has also been recommended that thorough, independent and efficient investigation be carried out in relation to the alleged involvement of the police in activities related to trafficking in human beings.

Different activities to combat trafficking in human beings were initiated in 2000, prior to the ratification of the OPSC. Since then, people became more aware of this crime as well as of the issue of who the victims are and how they became victims; however, data preceding these activities are difficult to discuss since they had frequently been classified as prostitution, begging, etc., i.e. they were not recognised as trafficking in human beings. The reasons why people and children should find themselves in the trafficking chain are poverty, low socio-economic status, domestic violence, peer pressure and lack of information. Several activities have improved the field of protection of children against kidnapping, sale and trafficking in human beings, particularly those organised by the State

Coordinator for Combating trafficking in Human Beings in BiH. In March 2004, a Sub-group for children dealing exclusively with these issues was founded. The issue of the rights of children, victims of trafficking in human beings is pending issue. It has not been regulated by law but by subordinate legislation. Therefore, when we discuss the protection of local victims of trafficking in human beings, the most significant progress that was made is the adoption of Regulations on the Protection of Victims and Witnesses/Victims of Trafficking in Human Beings and the Regulations on the Protection of Foreign Victims of Trafficking in Human Beings. Article 15 of the Protection Regulations address the issue of child protection, but this provision is not harmonised with the regulations of the Family Law. Namely, *the protection of a child's best interest* is a binding standard for the relevant institutions in BiH as well as authorised organisations; should children's rights be violated, its aim is to ensure an instant protection, provide adequate assistance, reintegration and rehabilitation, i.e. to provide complete recovery and permanent care for the child victim or witness. The Regulations do not make it clear as to what the difference between a child victim and an adult victim is. A clear definition of the child's best interest does not exist; neither is it clear in which cases this principle applies. It is similarly the case with the outline of the position of foreign child as a victim of trafficking in human beings. Thus, Article 7 of the Regulations prescribes special treatment and protection for children, but it remains unclear as to what special treatment and protection stand for. Paragraph 2, Article 7 of the regulations outlines that procedures discussing the rights and interests of children were urgent.⁹ A new project for combating trafficking in human beings was presented in Sarajevo in January 2009; its aim was to strengthen the capacities of BH authorities. The project was presented by the US Ambassador and the State Coordinator for Combating Trafficking in Human Beings and Illegal Immigration in Bosnia and Herzegovina. *In three-year's time*, the American Government, with the support of USAID, shall implement a project whose main aim is to educate social workers, teachers and students of all secondary schools in BiH on providing help to victims of trafficking in human beings. Apart from regular trainings, pedagogical Institutes shall organise trainings in the area of prevention of trafficking in human beings. 125 centres for social services shall implement the Protocol on the work with victims of trafficking in human beings i.e. they shall train social workers to recognise victims of trafficking and provide assistance.

⁹ The Council of Ministers of BiH adopted the Regulations at a meeting held on 5th July 2007, Official Gazette of BiH, no: 66/07. (source Edited by the Committee of legalists for human rights YUCOM – „COMBATING TRAFFICKING IN HUMAN BEINGS“ – PROBLEMS AND PERSPECTIVES

The legislation on Social Protection does not precisely define the issue of victim's re-integration, but it can be used to attain this right in a certain, indirect way. In that case, the issues related to treatment of children, victims of trafficking in human beings, are resolved on the grounds of protection rights intended for children displaying socially unacceptable behaviour; those children are considered to "divulge in idleness, roaming, begging, prostitution, alcoholism, drugs and other forms of socially unacceptable behaviour", thus putting child victims into an unacceptable context.

Defining the victim status would definitely facilitate *the access to compensation* to which the victims have a right, according to obligatory entity and Brčko District laws and the European Convention on the Compensation of Victims in Violent Crimes.

It is evident that *the established normative framework for the protection of children, victims of trafficking in human beings does not exist as a specific and explicit mechanism*; it has been established as a general framework for the protection of victims of trafficking in human beings. Additionally, this segment suffers from the symptoms of the sickness of Bosnian society in which good regulations are passed but never implemented; a discrepancy between legal frameworks, established procedures and existing capacities of institutions responsible for the protection of victims is created, whereas the responsibility for such a situation also fails to be addressed.

The Institution of the Ombudsman of BiH - Department for Protection of Rights of the Child, examined the issue of exploiting children for begging and gave its recommendations to BiH authorities for improvement. This research has shown that begging was a frequent form of exploitation which falls within the scope of child trafficking and that relevant institutions did not have a systematically identified approach to this issue.¹⁰ Children, victims of trafficking and their guardians are granted a free legal aid by the NGO "Vaša prava" ("Your Rights") which signed a contract with the Ministry of Security of BiH.

It is a most worrying fact that out of the total number of victims identified in 2007, 28 or 85% of them were minors and all of them citizens of Bosnia and Herzegovina. According to the reports of the State Coordinator for Combating Trafficking in Human Beings and the results of analyses of data gathered by non-governmental organisations, police agencies and prosecutor's offices, throughout 2008, 59 persons were identified as potential victims of trafficking in human beings/ prostitution. In

¹⁰ "The Analysis of the Harmonisation of BiH Legislation with the Convention on the Rights of the Child", the Institution of the Ombudsman for Human Rights in BiH, in cooperation with Save the Children Norway, Sarajevo, November 2009, p. 146

other countries, three persons – citizens of Bosnia and Herzegovina were identified as victims of trafficking and deported to BiH. Out of 59 potentially identified victims, 26 adult persons were exploited, i.e. engaged in organised mediation in prostitution, 25 minor persons was exploited through organised mediation in prostitution, 8 persons were identified as victims of trafficking in human beings or slavery or international mediation in prostitution. Out of the total number of identified potential victims of trafficking in human beings, i.e. mediation in prostitution, 33 persons can be considered victims of trafficking in human beings – 28 of them are minors, whereas five of them are adults; 15 persons accepted accommodation and help in the safe-houses (94% of victims are BH Citizens). As opposed to the previous years, there is a gradual decrease in the number of identified victims. The number of foreign victims of trafficking is decreasing, while the number of BH citizens remains on the same level as in the past three years.¹¹ This leads us to conclude that the implemented measures intended to reduce international trafficking in children have been effective, while the unsettled issues in our country fail to ensure a sufficiently efficient system for the prevention of trafficking in children.

For instance, our annual report¹² quotes a statement made by the president of a Roma Association, stating that Roma girls, aged between 10 and 15 were being sold for 50.000 marks (cca. 25.000 euros). It was concluded that the most frequent motive for trafficking in women was prostitution, whereas children are being exploited for begging, forced marriage, etc. His statement relating to trafficking in children without birth certificates (the number of children remains unknown – estimates go up to 4000) is most worrying, even though efforts are made for that number to be reduced. The same report stated the case of a girl, aged 13.5 who was found in Zagreb (Croatia). It was stated in the denunciation that a young man had bought her from her parents in Zenica for 5.000 euros.

For the purposes of the research called “Children Speak Out”¹³, a deeper analysis of the relationship between child trafficking and sexual exploitation was conducted. Some of the finding stated that:

- Victims often see themselves as someone who had a choice when found in a situation of sexual exploitation and they believe that they are engaged in a romantic relationship with someone who actually trafficked in them or would lead them to traffickers.

11 The Report on the situation of trafficking in human beings and illegal immigration in Bosnia and Herzegovina and the Report on the Implementation of the Plan of Action for Combating trafficking in Human Beings and Illegal Immigration in Bosnia and Herzegovina for 2008, drawn up by the State Coordinator for Combating Trafficking in Human Beings and Illegal Immigration in Bosnia and Herzegovina.

12 NGO and children's report on the situation of child rights in Bosnia and Herzegovina, 2006

13 „Children Speak Out: What influences child trafficking in Southeast Europe”, Report from BiH, June 2007 (SAVE THE CHILDREN NORWAY SEE)

- In most cases of trafficking in children for sexual exploitation in Bosnia and Herzegovina, persons close to the children are seriously involved: members of the family, close friends or persons that victims consider to be their boyfriends/lovers
- “First-hand” evidence was found in the case of 2-3 Roma girls, aged 10-13, who have been sold to marriage; “second-hand” evidence was found for approximately thirty similar cases. The family receives several thousand marks and there are certain clues that girls have to give the money back to the husband’s family, which can in turn be interpreted as a motive for begging.¹⁴

According to the reports on trafficking in human beings submitted by the US Secretary of the State and published on 4th June 2008, BiH has been classified in the category 2 for three years in a row, which serves to indicate that BiH did not meet the minimum standards for combating trafficking in human beings, but it was stated that significant efforts had been made in that direction. The general objections were made to criminal prosecution and punishment of human traffickers, because it had been noticed that sentences were very mild, as had been the case in the previous years

It was recommended that BiH ensured that convicted human traffickers be adequately sentenced thereby preventing further trafficking activities. The report also mentioned the support and assistance the Government of Bosnia and Herzegovina provided to non-governmental organisations with regards to awareness raising on the trafficking of human beings.¹⁵

11. PROTECTION OF CHILDREN AGAINST ABUSE THROUGH NEW TECHNOLOGIES

Abuse of children through new technologies is a very challenging field when it comes to the protection of children, both in our country and in the world. The seriousness and the growing presence of this issue are best illustrated by children’s views that have been integrated into this report. Child abuse of this kind is most frequently utilised through the use of mobile phones and social networks on the Internet and Internet in general. In Bosnia and Herzegovina, action is taken to put this field of abuse under control, first and foremost through education of police forces and establishment of specialised teams that would exclusively deal with this issue. Some activities have already taken place, e.g. the action “Sledgehammer” organised in 2008. We could say that it had weak effects due to the fact that the procedures had not been followed; lack of knowledge of staff carrying out the action and a wrong exclusion of evidence. Apart from that, the right to remain silent

¹⁴ *ibid.*

¹⁵ NGO and children's report on the situation of child rights in Bosnia and Herzegovina for 2008 (Hi Neighbour and Our Children, supported by Save the Children Norway)

represents an additional problem since it is a guaranteed right. In that case, the accused evades the obligation to provide the access codes and the charges are dropped. In such actions a team of specialists consisting of computer, crime and legal experts is needed. At the same time, parents' lack of education and the non-existence of special social services for the supervision of identified minors pose an additional problem. There is an increased number of children- cyber criminals in our country (e.g. unauthorised access to other computers, credit card stealth, hack attacks, etc.). For children of less than 14 years of age, prescribed supervision, protection and prevention measures do not exist. These instances manage to surprise the relevant institutions. They are not equipped with adequate equipment, staff and there is no adequate legal support harmonised with the Convention on Computer Crime.¹⁶

The Ministry of Security of Bosnia and Herzegovina, in cooperation with Save the Children Norway, initiated a range of activities throughout 2009 – a seminar for non-governmental organisations; initial training for police force representatives in Bosnia and Herzegovina; a Working Group consisting of representatives of security agencies and ministries responsible for the development of the Plan of Action for the Improvement of Protection of children against child pornography and other forms of sexual exploitation of children through information and communication technologies in BiH 2010-2012 has been formed. At the same time, a project of the Consortium of non-governmental organisations has been launched (International Forum of Solidarity – EMMAUS; the Association “Women United” and the company Source Coded, Ltd.). The project contained activities aimed at awareness raising of the entire public and the establishment of an SOS line and education for children and adults.

12. PREVENTION

Organising prevention activities in terms of preventing child abuse as defined in the OPSC is of great interest to all. The implementation of prevention activities in the period covered by the report was not sufficient to produce any serious effects. With regards to primary prevention related to protection and control systems and prevention of these instances and awareness raising among the public there are many things to be worked on. Initial education mentioned in both the state and alternative reports have a preventive function, but the field of awareness raising among the public has only been touched upon. Secondary prevention which relates to work with already identified risk groups and areas is in

¹⁶ „Computer criminal“ Vladica Babić, Sarajevo 2009.

its infancy. Most of the activities take place in bigger towns, while risk groups mainly inhabit smaller areas and do not have adequate access to media or information they need.

As for the tertiary prevention (it relates to children that have already been victims), it represents a problem due to the lack of resources (financial, material and human) necessary for the implementation of all the protection measures prescribed by newly-created documents with the aim to prevent instances underlying OPSC. Both remarks relate to all the fields that should and must be a prevention in this sense (education system, social and health protection systems, criminal and legal systems). We believe that non-governmental organisations could play a more significant role in the prevention of these instances and hope that this resource will be better utilised in the future.

In mid-2009, The Ministry of Security of Bosnia and Herzegovina, with financial support of Save the Children Norway, issued an invitation for NGOs to apply for projects in the field of protection against child abuse through pornography by means of electronic media. The project was assigned to the International Forum of Solidarity EMMAUS. The purpose of this project was to establish an effective system for combating child pornography and other forms of sexual abuse and exploitation of children through information and communication technologies and in line with that, to strengthen the child protection system.

This field requires a lot of work and investments in the equipment and staff. Legal regulations need serious preparations and adequate subordinate legislation that will enable a consistent implementation of legislation.

13. CHILDREN'S VIEWS

For the purposes of drafting this report, we created two focus groups – one in Sarajevo and the other in Banja Luka, consisting of 41 primary school children. Focus groups were designed and managed in such a manner that children's opinion and experiences in issues of child trafficking, prostitution and pornography could be heard.

Additionally, children's views have been included in the findings of the research¹⁷ conducted for the purposes of the second alternative report on the implementation of the Convention on the rights of the Child in Bosnia and Herzegovina.

¹⁷ The project titled „Children and NGOs Monitor the Situation of Child Rights in Bosnia and Herzegovina“ gathered opinions and views of 2528 children from 23 BH towns (8th and 9th grade primary school students as well as 1st and 2nd grade secondary school students).

According to the results gained from focus group discussions, children see trafficking in human beings as a form of recruiting and stealing children in order to be sold in other countries to individuals who cannot adopt or have their own children; to sell their organs; to be sold in the country in which they were stolen; to beg in the streets; to be abused; trafficking is also seen as an occurrence in which unknown people and poor parent sell their children. Children are well-acquainted with the ways in which child trafficking is conducted and are generally able to identify risk situations. Despite this, children believe that this is not a pronounced problem in their environment, or else they are not familiar with the problem. They have been informed about issues on trafficking in human beings by means of television, Internet, school (not all schools), newspapers. Additionally, it is mainly the parents who inform their children about kidnapping and trafficking and who teach their children not to talk to strangers and get in their cars from an early age. Children have also identified situations where their parents frightened them with this occurrence, but did not actually explain and present situations in which they could be victims of trafficking in human beings.

„When I was younger, I witnessed a situation in which a man in a black van stopped in front of our school and offered candy to a small boy so as to make him get into the van. Fortunately, an 8th grade student came by and dragged him back. It looked as though he had to pull him back”

Children also noted that many of their peers were not sufficiently acquainted with trafficking in human beings and children.

„...we may know a little more because we are engaged in certain projects, but our peers do not know a lot about it; they know that it is a bad thing and that they could have problems... but it is not enough”

They also stated that this problem was gaining in size since the offenders are not being punished (or not sufficiently punished) and since the children are expected to protect themselves from people-traffickers.

With regards to child pornography, children have defined it as exploitation and abuse of children's photographs, taking photographs for money, Internet abuse, wearing inappropriate clothes; girls taking photos to become more popular; self-recording of sex-scenes with peers and sending the video clips via mobile phones to other peers; paedophilia; false representation and identity stealth; abuse of position to exploit children, photomontage, etc. children also distinguished between two situations related to this issue, the first being the situation in which adults induce and force children to take

photographs or record videos of inappropriate situations and later abuse the recorded material; the second situation is when children or minors themselves record or take photos in inappropriate situations and then show the recordings in order to improve their peer status.

„A lot of girls take photos of themselves wearing swimming suits or in seductive postures and then share these on the Internet so that everybody can see them. They probably think that they would become more popular... When they are 17 they regret doing so and say it wasn't them.”

Children note that their peers who do such things are not at all aware of the consequences this might have. Recording and sharing video clips with sexual contents in which they themselves have taken part represents a particular problem. Children claim that the respective video clips were not downloaded from the Internet but recorded by their peers.

„...at one point, I had up to 150 of those video clips on my mobile phone”

„...it's not from the Internet, it mainly goes like this... it is either an acquaintance from the class with a girl from another school, or a girl from my school with a guy from another school... they are all minors going to the same class as me, either seventh, eighth to ninth grade”.

„...I think that some 70% of our girlfriends do it... we know exactly who they are...it is not one or two, it is almost every third girl”.

In most cases they have heard about this issue on television and in the newspapers. They consider it to be a grave issue and do not know how to protect themselves from it in an adequate manner. The use and abuse of the social network Facebook is here particularly emphasised.

„Indeed, this is a serious problem because most children share their photographs on Facebook. These photographs can in turn be adjusted in Photoshop and used as pornographic material.”

Children are also insufficiently protected from persons known to be offenders:

„...well, there is this guy, he looks like John Lennon. He is known to invite boys to his house and take photos of them for 50 KM. I was warned not to come close or talk to him.”

„I was followed by a man driving an orange Fiat. He wanted to take photos of me, but I would not let him, I kept running away”

Children have also emphasised that they had frequently been exposed to threat by adults who appear naked in front of them or show parts of their bodies.

They also pointed out that they were insufficiently informed about these threats, particularly with regards to the abuse of the Internet and that neither teachers nor their parents worked hard enough to inform and protect children from this form of abuse.

With regards to the exploitation of children in terms of *prostitution of minors*, children have defined this issue as minors providing sex services for money or free of charge; they have also mentioned oral sex services for money as a form of prostitution. It is necessary to emphasise that none of the interviewed children mentioned that minors who provide sex services were forced to do so.

They stated that minors did this for money, for a better position in the society and for their own pleasure. One of the problems they listed was inappropriate behaviour of teachers, pointing out that they had witnessed their PE teacher touching girls in an inappropriate manner in class. All the children that were interviewed confirmed this and emphasised that they had felt very uncomfortable in their PE classes and that they had tried to avoid the inappropriate physical contact. They had never dared to report this problem to anyone because the adults would not believe them. .

Boys, on the other hand, pointed out that they had been offended and sworn at by the same teacher. The discussion on the prostitution of minors is spontaneously extended to sexual abuse. Children believe that their peers are aware of none of the three issues – trafficking, prostitution and pornography and that their parents are not sufficiently acquainted with the risks their children face, particularly on the Internet.

„I created a Facebook account for my mum; she is on my friend list; it is obligatory that once in month we sit together and I let her see all my Facebook friends, photos I have posted and comments I have shared... I suggested this to her... many parents do not have the faintest idea as to the whereabouts of their children”

Their opinion is that teachers and other school staff fail to show enough interest in helping children to protect themselves from these problems.

„...here, if we reported this teacher, do you think someone would believe us?... they would probably say we invented all this, they would say we exaggerated”

„...even if we recorded him with a camera, the people from school would say it wasn't true... they think that we are stupid and that we don't know anything at all”

Additionally, many of the cases in which children are exposed to risk or in which they are the victims are not reported to anyone because children believe it to be their responsibility to resolve the issue. They do not trust the adults and believe they would not take them seriously (which is often the case).

They believe that teachers and parents should talk to children because parents are not sufficiently acquainted with their problems or aware of the dangers these problems might pose, particularly when it comes to the Internet and social networks. Teachers, on the other hand, do not seem to be interested. Children do not confide in adults because they think that they do not trust them and that they take them for granted.

Children suggest that parents be better acquainted with all the threats related to child trafficking, pornography and prostitution. A continuous education for children is required, both in schools and elsewhere. **”I know that not all the children will learn, but if we keep on talking, I think they will at least think about whether to post certain photos on Facebook.”**

Children point out that it is necessary to talk about these issues in public and in the media, particularly about the distribution of pornographic materials containing children and the ways in which these materials could be abused. They emphasised that more policemen would mean a greater security for children; more rigorous punishments for perpetrators would mean fewer instances of these issues. According to them, every school should have its own psychologist and more clubs in which children could spend their free time. It is most worrying that children would hardly ever turn to anyone for help should they find themselves in a dangerous situation. They usually rely on their right judgement to look after themselves and not to find themselves in a situation in which help would be required. After additional reconsideration, only a few children said that they would turn to their parents and school pedagogues. The children have also listed some other persons they could confide in (best friend), experienced persons, and finally the police. Despite the views they shared, the children have stated that their homes and schools are places where they are protected best.

The results of our research¹⁸ have shown the following:

- That prostitution is a very common occurrence on the streets is the opinion shared by 16% of interviewed children, while 40.50% of them think that this issue is only partially present in the society.

¹⁸ The project titled „Children and NGOs Monitor the Situation of Child Rights in Bosnia and Herzegovina“ gathered opinions and views of 2528 children from 23 BH towns (8th and 9th grade primary school students as well as 1st and 2nd grade secondary school students). The purpose was to gather children's views for the development of the second Alternative Report on the Implementation of the Convention on the Rights of the Child.

- Rape threat is a very common issue according to 29% of interviewed children, while 41.70% think that the threat is only partially present.
- With regards to the economic exploitation of children, the research has shown that the children we interviewed knew peers that worked and therefore did not attend school and that among other jobs they did, some children were engaged in prostitution (13% of interviewed children knew such children), begging (31.00% of interviewed children knew such children) and selling drugs (29.90% of them knew such children)
- With regards to the sexual abuse and exploitation of children, the results have shown that the interviewed children knew children who had been sexually abused by

- unknown adults	13%
- teachers	4%
- parents	6%
- peers	14%
- relatives	3%
- neighbours	8%

14. RECOMMENDATIONS

- Harmonisation of entity criminal laws and the relevant law in the Brčko District with amendments to the Criminal Law of Bosnia and Herzegovina and a further improvement of legal measures with regards to a better protection of children against abuse in terms of issues stated in the OPSC – along with raising the age limit to engage in or acquiescence to sexual intercourse to at least 16 years of age.
- Harmonise the laws with the requirements of the Convention on Cyber Crime, Optional Protocol and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.
- Clearly define the parts of the Laws referring to minor citizens in terms of defining the child in line with the Convention.
- Conduct a detailed analysis of relevant legislation, procedures and capacities of institutions in relation to principles defined by international standards for the protection of victims, particularly

children, ensure their re-integration and harmonise the State Plan of Action for restraining trafficking in people in BiH with the results of the analysis;

- Better inform the public on OPSC (especially parents, children and teachers)
- Re-examine the justification for setting up a separate normative system for the protection of local and foreign victims of trafficking and ensure that awareness is raised when it comes to other forms of people trafficking in terms of exploitation, such as begging;
- Strengthening the institutions responsible for inspection and tightening sanctions regulating the issue of the exploitation of children should be considered a priority for relevant authorities. With the aim to eliminate begging it is essential to establish a system of measures which will be based on a coordinated cooperation of all relevant institutions, particularly social work services, police, prosecutor's office, health and educational institutions.
- Sensibilise the public through different media and point out, particularly to parents, that according to existing laws they can be prosecuted for trafficking children for forced begging, but also for child neglect and abuse.
- Continuation and improvement of cooperation and coordination among state governments in the region and non-governmental organisations.
- Strengthen the prevention measures so as to reduce the risks existing particularly among risk groups and continue to strengthen educational activities of professionals engaged in the implementation of law regulations concerning the OPSC.
- Additional financial and material support from the state should be provided for the treatment of the child trafficking, child prostitution and child pornography issues.

I hereby certify that this translation is completely in accordance to its original written in Bosnian/Serbian/Croat language.

Almija Kapidžić,

Court certified translator; Diary No.42

Sarajevo, 05.04.2010.