

Information about violence against children and violent violence from aspect of media and legal strategic documents in Bosnia and Herzegovina

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Abstract

Considering that the important topics on children and young people in the media are especially treated, it is of particular importance to consider violence against children and peer violence that is getting more and more important from day to day because of its rudeness and violent popularity. Media editors and investigative journalists, more or less, are aware of the value and weight of such information and their wide-ranging potential to be read, viewed or heard. Therefore daily information about children who are victims of violence arouses strong emotional responses and the need to protect them, while media and police information about juvenile delinquents of violence is condemned and the need to sanction them more appropriately, respecting the principle of "best interest of the child" in order to Re-socialization was more successful. It is widely known that media play a key role in sensitizing the public when it comes to family and peer violence, not neglecting the fact that some media research journalists still do not know or deliberately care about possible negative connotations and the consequences of such reporting.

Everyday formed media images in printed and electronic media that are presented to the public, such as "poor child - victim of violence" and "uneducated, dangerous generation of youth", "computer and telephone mobophobia of young people", not only affect the behavior of adults towards children and an environmental reaction that often involves the isolation and/or stigmatization of a minor, but also of children's self-determination, self-esteem, self-esteem, cognitive processes and the amount of stress they experience. Media information that violates the right to privacy, and which does not adhere to the existing positive legal norms and deontological rules of the profession can become the source of secondary victims victimization, which makes it difficult to recover or "demonize" the perpetrators, thereby reducing the chances of re-socializing the minor. Unfortunately, such harmful media practice as in Bosnia and Herzegovina, Croatia, Serbia and other countries of EX Yugoslavia, countries in transition, is often beneficial both indifference and lack of coordination of competent state bodies, institutions, agencies and not governmental organizations, which is one of the basic tasks.

This paper deals with the situation of good and bad practices in informing violence against and among children and young people, as well as instructions, attitudes and guidelines for the protection of children who are victims of violence and juvenile perpetrators of criminal offenses in the media.

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1. Introduction

Reading daily media, children and young people achieve some of their fundamental human rights: the right to information, the right to freedom of expression of thoughts on the things and objects for which they are interested. Media within the Law and Code of Conduct are obliged to allow this, taking care not to violate the right to privacy of children and young people. To be noted that all media do not fulfill their legal duty equally well: superficial, misleading or false information is often published; children and young people are not always given the opportunity to express their concerns; unfortunately, violating the right to privacy is quite common, which is not negligible. Many citizens are wondering why it comes to this? In a number of cases, these violations of the rights of children and young people arise from ignorance of these rights and their legal normative regulation in the conventions and applicable laws.

Each journalist researcher and editor of a particular media reporting on children and young people should know that these rights derive from the Convention on the Rights of the Child; that the Convention was ratified by Bosnia and Herzegovina; that the established provisions of this Convention obligate Bosnia and Herzegovina to pass laws and other documents in order for children and young people to exercise the aforementioned and other rights; that these rights are mainly determined by the Family Law, the Criminal Law, the Media Law and the Law on Electronic Media; that the main domestic strategic document contributing to policy development for and towards children National Strategy for Children's Rights and Youth Policy National Youth Program; that both strategic documents are adopted for a specified period of time, 5 or 10 years, with possible frequency-measurable objectives, which are followed by action plans outlining measures, deadlines, enforcement agents and performance indicators, etc. This is why periodic workshops educate research journalists and editors on public policies, within which children and young people exercise their rights, while investigative journalists and editors (electronic media) do their jobs. If we know that children and young people are talking about two complex policies (children's policy and youth policy), and with journalists and editors on a separate, media, and politics - it is clear why we consider that research journalists and editors of certain media are necessary additional periodical education on these issues.

The specificity of electronic media is that children and young people can provide information in them in the most interesting way and allow them to freely express their opinions through the most intelligible platforms they are most often using. While the obligations of electronic media regarding the protection of the right to privacy are similar to those of other media, journalists, researchers and editors of certain media and Internet portals have additional obligations regarding the protection of children and young people from the unwanted consequences of using these media: on the Internet, children and young people are exposed electronic violence, widespread and uncontrolled scope of hate speech and sexual abuse in various ways. Therefore, it is necessary for the Electronic Media Council to draft the Ordinance on the Protection of Children and Juveniles in Electronic Media and certain Recommendations for the Protection of Children and Youth in order to make even safer use of electronic media.

That is why, at workshops, research journalists and media editors are introduced to the way and official approach in reporting on (for) children and youth, combining it with already experienced practical examples, exercises and exchange of experiences. Public policy experts and television and radio experts, both theorists and practitioners, most often familiarize participants with the public policy framework for children and youth policy and media policy, whose knowledge is necessary for quality reporting on children and young people. In the practical part of the periodical workshops, selected practitioners and participants exchanged work experiences and crystallized (un)desirable approaches in reporting through practical examples of good and bad practice; and with numerous ideas have identified relevant topics that are not sufficiently represented in the media space; and at each periodical workshop we mapped key actors; and finally, in all workshops, the participants, with the guidance of experts, (lines) made syllabus shows, which remain a permanent guide to journalists for quality preparation of radio and television shows and online written serials. Internet journalists are included in the final workshops in the Cantonal Centers of Sarajevo, Banja Luka, Mostar and others. According to the interest of the participants, synopsis for thematic or mosaic shows, with different target groups and approaches: children's or children's shows, and youth or youth. Judging by the participants' engagement, presence and feedback, the workshops are extremely well received and visited, because this is a more serious and recent social issue. We hope that interested citizens will equally well accept this thematic unit, which provides a suite of theoretical and expert presentations and practical work through the workshops. We believe that this work will be a guide to many journalists in reporting on (for) children and young people and will inspire them to write quality articles tailored to the needs and understandings of children and youth, as well as society as a whole.

2. Basic strategic documents at the international and national level

The historical and human development of the child as a subject of personal growth has initiated processes that focus on the special protection of the child and his needs. By citing child's needs, a system of child rights and responsibilities has been developed. A child as a subject and a right holder places certain responsibilities and rights in front of adults, as well as duties before the state. Maleš, Milanović and Stričević (2003: 13) state: *"The concept of a child as a right holder for adults is hardly acceptable, because children are traditionally seen as persons who need protection, and less as those who have the rights and can act."* This change in the child's vision through history required changes on several levels, and the processes that seek to strengthen the child rights system continue to persist. The development of political dialogue in the area of children's rights and responsibilities has significantly contributed to the adoption of the UN Convention on the Rights of the Child, which seeks to satisfy all the basic needs of children, acceptable to different cultures, peoples and traditions.

3. The importance of the Convention on the Rights of the Child

The Convention on the Rights of the Child was adopted on November 20, 1989² and contains universal standards that the State party to the Convention (*i.e.* the one who

² United Nations (1989).

signed and ratified it) must guarantee to each child. The document essentially discusses the obligations of adults in meeting the child's needs and protecting the child, whereby the child has the status of the subject, as the bearer of all rights and responsibilities.³ The particular importance of the Convention is that it presupposes the shift from the declarative determination of the objectives (Declaration on the Rights of the Child) to binding international legal legislation (Maleš, Milanović and Stričević, 2003).⁴ An important feature of the child's rights, and therefore the Convention, is that it is intended for children as their sole owners, that they belong to them without any limitations and cover all areas of the child's life relations (Aliničić i sur., 2007: 224).⁵

UN Committee on the Rights of the Child⁶ identified four principles contained in the Convention on the Rights of the Child:

- a) Principle of non-discrimination (čl.2.);
- b) The principle that every child has the right to life and development, (physical, emotional, psychosocial, cognitive, social and cultural (čl.6.);
- c) Principle of the best interest of the child (čl.3.);
- d) Principle of freedom of opinion (čl.12.).

The principles seeks to consolidate the requirement for adults to take into account the welfare of the child, the importance of equal access to each child, and the active involvement of the child in addressing these issues in making decisions or carrying out procedures affecting the child, or in children as a group, with the aim of optimal child development. The best interests of the child include several criteria: the needs of the child (which are in their mutual relationship), the will of the parents (element of child's knowledge and child's trust) and standard behavior (the criterion of average, normal and desirable treatment based on ideal premises) (Aliničić et al, 2007). The expression of the welfare of the child reflects "*the overall, optimal status of the child in relation to himself and other subjects*" (Aliničić et al., 2007: 237). Maleš, Milanović and Stričević (2003: 26) state that the Convention on the Rights of the Child is unique because:

- Comprehensive: the only one provides the civic, political, economic, social and cultural rights of the child;
- Universal: applies to all children;
- Unconditional: All Member States are obliged to undertake activities related to the protection of the rights of the child; you
- Holistic: advocates the view that all rights are based, indivisible, mutually dependent and equally important⁷.

Aliničić et al., (2007) emphasize the importance of the Convention through several dimensions: the different needs of children in everyday life and, in exceptional situations, have the legal qualification of children's rights; Member States undertake to respect these rights and to take appropriate measures for their protection; and the anticipation of the child protection system and the establishment of a special body with the same goal - the Committee on the Rights of the Child (čl.43.).

³ Ilišin, V. and Spajić-Vrkas, V. (2015).

⁴ Maleš, D., Milanović, M., Stričević, I. (2003).

⁵ Aliničić, M. et al. (2007).

⁶ UN Committee on the Rights of the Child.

⁷ Jašarević, O., Kustura, M., (2013).

4. Content of the Convention on the Rights of the Child (Children's Rights and Rights)

The Convention did not categorize the rights into some special groups, and therefore different approaches have proposed different segregation of rights. Thus, there is a division of children's rights from the Convention according to the "4P" criterion (four rights), depending on the objectives - prevention, protection, provision and participation "4P"⁸, implies four aspects of children's rights: prevention of negative impacts on the child, protection of children against discrimination and all other forms of exploitation and torture, providing children with access to and exercising their rights and participation of children in all decisions related to them. Preventive rights include the right to health (art. 24), banning the taking of a child (art. 11), prohibition of discrimination (art. 2). Protective rights prevent torture of children, the use of degrading treatment and punishment, abuse and exploitation of children (art. 37). Right to education (art. 28), social insurance (art. 29), leisure, recreation and recreation (art. 31) and standard of living (art. 27) are some of the rights that imply the acquisition of convenience. The last group of rights relates to the child's active participation and action and includes access to information (art. 17), the right to freedom of expression (art. 13) and the expression of one's own opinion on matters that concern him (art. 12). According to the scope of children's rights, they can be classified into positive (*e.g.* children's right to life) and negative rights (*eg* the right to protection from the use of narcotics and psychotropic substances). Aliničić *et al.*, (2007) state that the Croatian family-legal theory emphasizes the importance of emphasizing certain rights of the child as its original (basic) rights. They are considered to be: the right of the child to life and health, the right to live with his parents, the right to education and education, the right to strengthen one's own descent, and the right to physical, mental and emotional development. Their authenticity is also a fact of what are the rights whose achievement enables the complete maturation of the child in the mental and physical sense. (Aliničić *et al.*, 2007: 229).

As a country which has signed and ratified the Convention on the Rights of the Child, the State of Bosnia and Herzegovina has assumed all the responsibilities deriving from the Convention and relates to its implementation and the obligation to amend and adjust existing laws and acts in accordance with that international document, The Committee on the Rights of the Child.

5. Strategy for Combating Violence against Children in Bosnia and Herzegovina 2012.-2015⁹

Strategy for Combating Violence against Children in Bosnia and Herzegovina 2012-2015 consists of three parts:

The first part, which makes introductory remarks explaining the difference between the new and the old strategy in terms of the methodology of drafting, explains the brief content of the new strategy, defines the time needed for its realization, explains the methodology of information and outline the institutions in charge of implementing the strategy.

⁸ UN Committee on the Rights of the Child.

⁹ Strategija za borbu protiv nasilja nad djecom u Bosni i Hercegovini 2012-2015.

The second part contains a shorter analysis of the problem of violence against children in Bosnia and Herzegovina based on the information on the implementation of the Strategy for children of BiH 2007-2010 and the analysis of the current legal framework in BiH, with a special emphasis on the need to access new international instruments in terms of the necessary areas for harmonization bh. laws with the legal framework of the UN and the European Union. In this part, also in operational sense, we identify problems related to functional cooperation between the competent institutions involved in the implementation of this strategy, with an emphasis on informing international obligations.

The third part, which, starting from the basic principles already established in the framework of the First Strategy for Children of BiH 2007-2010, establishes the basic general goal and strategic measures. The main goal and strategic measures emphasize the continuity of activities aimed at improving strategic planning, improving the capacity of BiH to fight against violence against children, especially in the field of law enforcement, introducing better standards for the protection of children, continuing the development of capacities at all levels including state institutions, entity institutions, Brčko District of BiH, Cantons and municipalities through advocacy of innovative activities in the most important sectors of child protection, such as: social, health care, education, police and judiciary, and in particular the strengthening of cooperation with civil society organizations.

5.1. The planned timing of the implementation of strategic measures is the period from 1.01.2012 to 31.12.2015

The following institutions are responsible for implementing this strategy:

Parliamentary Assembly of BiH - to pass laws, ratify agreements, conventions and rights and fundamental freedoms guaranteed by the Constitution of BiH and BiH legislation, from state bodies, public institutions and organizations performing public authorizations, in cases presented by ombudsmen, citizens and entities, and informs thereof House of Representatives and House of Peoples; considers issues relating to the exercise of the rights of the child - in particular, the improvement of the status of a child in Bosnia and Herzegovina; issues related to the realization of the rights of young people - in particular the promotion of the rights of youth in BiH; examines the proposals of documents and reports of BiH institutions related to youth issues, and other issues in the field of human rights, children's rights, youth, etc.;

The Council of Ministers of BiH - the highest state executive administrative body to submit proposals of laws and other executive and administrative acts, which adopts executive decisions, plans, strategies, approves research and other executive activities for the purpose of implementing international obligations and laws of BiH. It consists of nine line ministries that perform administrative and professional tasks within the jurisdiction of Bosnia and Herzegovina. The ministries are responsible for the implementation of laws and other regulations, the preparation of draft laws and other acts, monitoring and implementation, the implementation of measures with the aim of implementing the regulations in force and in connection with the development of certain state plans, programs, strategies, projects, research and all other activities in accordance with the Constitution of BiH and the laws of BiH;

Ministry of Human Rights and Refugees of BiH - individual and collective complaints, petitions and inquiries related to violation of any human rights and rights of

the child can be submitted to this Ministry. The Ministry considers the submitted acts and in this regard issues appropriate recommendations to the competent institution and recommendations for the submitter of the act. The Ministry can also submit initiatives for amending and supplementing some laws or practices that directly violate the human rights of an individual or certain group of citizens, members of minorities, children, women, persons with disabilities, refugee returnees, asylum seekers, aliens or some other vulnerable category of citizens and ask that it coordinate activities to overcome the problem;

Ministry of Justice of BiH - providing assistance in international and inter-entity judicial cooperation (international kidnapping of children), drafting appropriate laws and regulations, field of criminal legislation, court organization, prison system, extradition, extradition, registration of associations of citizens and non-governmental organizations;

Ministry of Foreign Affairs of BiH - requests for issuance of visas and assistance in connection with residence and protection of the rights and interests of BiH citizens in permanent and temporary residence abroad and domestic legal entities abroad and other activities related to international relations are submitted to this Ministry;

Ministry of Civil Affairs of BiH - this ministry is responsible for citizenship, registration and registration of citizens, protection of personal data, registration of residence and residence, identity documents, travel documents, etc. and coordinates activities, harmonization of the plans of the entity authorities and defining international strategies in the field of health and social protection, and in connection with the mentioned competences, initiatives for amending and supplementing a law, regulation or strategy development, etc. can be submitted;

Ministry of Security of BiH - Immigration and Asylum Sector are in charge of regulating the status, movement and residence of foreigners, granting of asylum, protection of victims of trafficking, and in particular protection of children and youth;

State Investigation and Protection Agency SIPA is an administrative organization within the Ministry of Security of BiH, with operational autonomy, established for the purpose of performing police affairs. SIPA has the obligation to monitor and collect all the interesting ways of smuggling people, collecting evidence of committed crimes related to trafficking in human beings, in particular children, preventing and combating trafficking in human beings and sexual offenses, combining trafficker, trafficking and sexual torture records, victim assistance, preventive activities, cooperation with non-governmental and governmental sector, organization of training of SIPA investigators on the way of work in the field of fight against human trafficking.

BiH Border Police is an administrative organization within the Ministry of Security of BiH established for the purpose of carrying out police affairs in the area of border control and traffic control at border crossings, as well as performing all police affairs related to offenses committed ex officio. The BiH Border Police is organized in the following manner: the body is headed by a director, deputy and assistants;

Main office; field offices; units of the border service; in the Main Office there is a Central Investigation Office, comprised of the Investigation Department where investigators are involved in the fight against trafficking in human beings, and within this activity is the work on prevention of violence against children in the form of taking measures and activities for preventing trafficking in children. Field offices are located in Bijeljina, Višegrad, Sarajevo, Capljina, Grahovo and Gradiška. In the Investigation Department, investigators are working to combat trafficking in human beings. Within

the framework of the fight against trafficking in human beings, the Border Police Investigators keep separate records and apply special measures when it comes to children as victims of trafficking, or when it comes to cross-border crime (smuggling) of children. Interpol is by definition the International Criminal Police Organization whose primary task is to exchange data, to act upon the request of criminal police of other Interpol member countries, exchange of experiences, etc. Since BiH is an Interpol member, within the above-mentioned activities, through the Interpol, *i.e.* the NCB (National Central Bureau) of Sarajevo, there is, *inter alia*, the exchange of data related to trafficking in human beings, and consequently also in connection with violence against children. In the organization of the NCB, inspectors are in charge of the line of work related to trafficking in human beings. All requests of criminal police in BiH, regardless of the police agency concerned, are addressed to other countries, are forwarded through the Interpol (NCB) of BiH Sarajevo. With the General Secretariat of Interpol there is a Task Force specialized in combating child crimes.

The BiH Prosecutor's Office is responsible for the prosecution of perpetrators of criminal offenses in accordance with the Criminal Code of BiH, especially the acts of trafficking in human beings. The Brčko District of BiH has its own prosecutor's office and the police and institutions dealing with the protection of children, the Center for Social Work. Entity parliaments - parliamentary commissions on gender equality and human rights have similar competencies as the Joint Commission of the Parliamentary Assembly of BiH.

Entity and cantonal governments - Entity governments - have executive power and define proposals for laws and other acts and policies. The Government of the Federation of BiH has 16 ministries and the Government of the RS 16. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Center for Education of Judges and Prosecutors of the Federation of Bosnia and Herzegovina, the Center for Education of Judges and Prosecutors of the Republika Srpska and the Brčko District Judicial Commission, contribute to the professional training and training of judges and prosecutors in the field of children's rights.

The Ministries of Justice (FBiH, RS) have an important role in the field of child protection with ministries of justice, social, health and child protection.

Ministry of Labor and Social Policy FBiH/Ministry of Health and Social Welfare RS - centers for social work have the most important role when it comes to protecting children and persons in a state of social need from any form of abuse; institutions for social and child protection that are mainly used for the accommodation, protection and resocialization of the victim of trafficking in human beings, especially children;

The Ministry of the Interior (FBiH, RS), the Prosecutor's Office and the Courts (FBiH, RS) - the Entity and Cantonal Ministries of Interior, Police and Prosecutors have the same competence when it comes to protecting children from any form of violence, prostitution related to human trafficking, pornography, child prostitution and other forms of exploitation of children;

Ministry of Health FBiH/Ministry of Family, Youth and Sports RS - Inspection services are specific bodies that have a certain supervisory role in overseeing the work of state and public institutions and organizations. Mental health centers and family counseling centers have been established in both entities and the Brčko District of BiH.

5.2. *Violence against children in Bosnia and Herzegovina*

5.2.1. Legal framework

Rights and protection are also guaranteed by agreements on the prohibition of racial discrimination, discrimination against women, the prevention of torture and the rights of migrant workers and members of their families. International human rights agreements have been supplemented by instruments that, although not legally binding, lay down standards and establish principles relating to the eradication of violence against children. So there are the 1985 Beijing Rules of Juvenile Justice and the Riyadh Guidelines of 1990 dealing with juvenile delinquency and the protection of minors deprived of their liberty. Certainly the most important international source adopted for the protection of children is the 1989 Convention on the Rights of the Child¹⁰, which Bosnia and Herzegovina took over as a succession. The Convention on the Rights of the Child establishes the general standards for the protection of children and contains special provisions on the rights of the child, which emphasize the obligations of the authorities of each State Party to respect its provisions.

The Convention on the Rights of the Child establishes the general standards for the protection of children and contains special provisions on the rights of the child, which emphasize the obligations of the authorities of each State Party to respect its provisions.

Considering that Bosnia and Herzegovina is a signatory to this Convention, it starts from the direct obligation defined in Article 19 of the Convention on the Rights of the Child for Member States, which relates to the obligation of a Contracting Party to undertake appropriate legal, administrative, social, educational measures for the protection of the child from all forms of physical or mental violence, injuries or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while under the care of parents of legal representatives or any other person concerned.

Such protective measures should, to the extent appropriate, include effective procedures for the establishment of social programs in order to provide the necessary support to the child and to those who take care of the child, as well as other forms of prevention and identification, reporting, advising, investigating, treating and monitoring cases of abuse children described earlier and, when necessary, court involvement. If the Convention is considered as a whole, it is necessary to pay attention to the standards established under the following articles: 32. (Economic exploitation), 33. (Prohibition of the use of drugs and alcohol), 34. (Prohibition of sexual exploitation and child pornography), 35 (Disallowing abduction, selling and trafficking in children), 36. (Prohibition of any kind of exploitation of a child), 37. (Prohibition of torture or any form of humiliation, fair treatment in lawful detention of a child, ensuring the right to legal assistance), 38. (Prohibition of the participation of children in armed conflicts and provision of protection to children in war), 39. (Ensuring the right to recovery and resocialization of children who have been subjected to violence) and 40. (Fair treatment of children, perpetrators of criminal offenses and regulation of appropriate conditions for execution of sentences and respecting all other human rights standards) which, in the light of these child protection standards, constitute the basis for the harmonization of national legislation and practices.

¹⁰ Of the 1989 Convention on the Rights of the Child.

In addition to the UN Convention on the Rights of the Child, BiH has also adopted other international instruments that establish international standards for the protection of children against violence for some of the specific forms of violence:

- The UN Convention to Combat Organized Transnational Crime was adopted in 2000 and supplemented by the following Protocols: Protocol for the Prevention, Punishment and Punishment of Trafficking in Persons, Especially Women and Children, and Protocol for Combating the Smuggling of Migrants by Land, Sea and Air. In this regard, the European Union and the Council of Europe have issued several resolutions and recommendations that oblige states to create a child-friendly environment, for example, "Building a Europe for and with children".

- In 2005, the Council of Europe adopted the European Convention on Action against Trafficking in Human Beings, signed and ratified by Bosnia and Herzegovina. This Convention introduces additional obligations for Member States with regard to the protection and care of victims of trafficking and requires States Parties to provide special protection to children who are victims of trafficking.

- 2006. BiH becomes a member of the Council of Europe Cyber Crime Convention. This is the largest, most comprehensive, and the highest quality European document on this kind of crime that has been signed by some non-European countries. The Convention was solemnly signed on November 23, 2001. In Budapest, it has been presented as an international legal instrument which first regulates problems related to the use and transfer of information and data through information and telecommunication systems. This is precisely why it is called the Cyber Convention, not Cybercrime. The integration of information and telecommunications technology is becoming more and more rapid, and their interdependence leads to the connection of their abuse, and the term "computer crime" is becoming too narrow and replaced by the wider term "cyber crime". Cyber crime includes all offenses committed within the popular cyberspace, with the help of either the information and telecommunications technology itself, which makes its infrastructure. And the basic infrastructure of cyberspace is the Internet, which with its globality, openness and accessibility is becoming a source of ever greater and more dangerous abuse, and the fight against them requires firm international cooperation. The Convention stipulates that the parties will adopt legal and other solutions necessary in order to prosecute perpetrators of criminal offenses in the domestic legislation against the secrecy, integrity and availability of computer data and systems, computer-related crimes in relation to content and in relation to infringements of copyright and related rights. This document provides for the resolution of procedural issues related to the investigation and obtaining evidence, authorization of police services, jurisdiction of the court, extradition of perpetrators and mutual cooperation, as well as obligations of the internet service provider. Bosnia and Herzegovina ratified this Convention and its Protocol on 19 May 2006, and they came into force on 1.9.2006.

- In 2006, BiH ratified the European Revised Social Charter 2, which is also one of the most important European conventions relating to the field of social rights. The European Revised Social Charter, as well as the European Convention on Human Rights, were drafted under the auspices of the Council of Europe. These two conventions practically establish a regional European system for the protection of economic and social rights and complement the conventions giving guarantees only to civil and political rights. The Charter proclaims a list of 19 categories of "rights

and principles" and here will be listed only those that BiH has ratified for children's rights:

- * Article 7. The right of children and youth to protection;
- * Article 8. The right of employees to protection of motherhood;
- * Article 11. The right to health care;
- * member 13. The right to social and medical assistance;
- * Article 16. The right of the family to social, legal and economic protection.

- 2010. BiH has joined the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Abuse), and the ratification process is underway. The Convention is the latest comprehensive European instrument adopted to complete the child protection system against any form of sexual abuse and exploitation and was adopted by the Committee of Ministers of the Council of Europe in July 2007 to 1002. Sessions of Deputy Ministers. The Convention is a completely new international document and legal basis for the further upgrading of the legislative framework and the protection of children against sexual exploitation and child abuse for all European countries that have acceded to this new international document. This Convention requires Member States to establish: 1. measures to prevent any form of violence against children, 2. implement measures to raise awareness of citizens about the unacceptability of any behavior aimed at sexual exploitation and abuse of children, 3. introduce a series of protection and support measures victims of violence, 4. oblige states to inform the public and, in particular, children about the rights they have and the dangers that can lead to their violation on this basis, 5 and to establish records of perpetrators of these parts. This Convention also provides for the establishment of a monitoring mechanism to monitor its application. The Convention is particularly significant for the fact that it introduces within the scope of Article 3 a definition that the "child" defines as any person under the age of 18 years. In Articles 18 to 23. These conventions also define the concepts of sexual exploitation and sexual abuse of children, as discussed in more detail in the text on forms of violence against children. A special novelty under this convention is the definition of "victim" that denotes any child subjected to sexual exploitation and sexual abuse.

The significance of this Convention is also in Chapter 2, BiH has signed this convention in May 2004, and will make reservations to some of its members during the ratification process, since Chapter 2 is dedicated to the preventive measures required by the States Parties to this Convention. This chapter starts with the principle that obliges the State party to take all legal and other measures to prevent all forms of sexual exploitation and sexual abuse of children and the protection of children. Article 5 of this Convention provides for the obligations of the state in relation to employment, education and raising awareness of persons working with children in the areas of education, health, social protection, the judiciary and the police sector, and in the areas related to sports, culture and leisure activities, paying particular attention to the fact that candidates who have been convicted of sexual exploitation and sexual abuse of children have no access to those professions. It should be taken into account in particular that the Convention requires States Parties to ensure that children receive information on the risks of sexual exploitation and sexual abuse in their primary and secondary education as well as on how to protect them by their age.

The Convention also implies ensuring the participation and cooperation with parents, and in particular paying attention to risk situations, in particular the risks

involved in the use of new information and communication technologies. States Parties should ensure that persons at risk of being able to commit any offense provided for in this Convention may have access, where appropriate, to programs and measures to prevent the risk of committing such offenses. The Convention provides for measures for the general public and obliges the signatory countries to promote and raise awareness in the general public with information on the phenomenon of sexual exploitation and sexual abuse of children and preventive measures that can be taken. It is particularly necessary for countries to take legal and other measures to prevent and prohibit the dissemination of material propagating offenses established in accordance with this Convention.

As highlighted in Article 9 of this Convention, Member States must specifically encourage the participation of children, the private sector, the media and civil society. These preventive measures require Member States to encourage the participation of children by their age and development, which affects the implementation of their national policies, programs or other initiatives that are taken to prevent sexual exploitation and abuse of children. Member States will encourage the private sector, in particular information and communication, and the tourism and transport, banking and finance sectors, motivating them to participate in the elaboration and implementation of these policies through self-regulation and co-regulation. Media and activities of the Member States related to encouraging the media have a special role to provide relevant information regarding these forms of exploitation and child abuse, bearing in mind the independence of the media and the freedom of the press. Member States should encourage financial activities, where appropriate, to create financial funds for the implementation of projects and programs implemented by civil society in order to prevent and protect children from sexual exploitation and sexual abuse.

The Convention also requires Member States to establish a national system of coordination and cooperation, the implementation of protective measures and assistance to victims (establishing a multidisciplinary victim support structure) and providing assistance to parents, caregivers, to each person in charge of taking care of them. The Convention specifically emphasizes the need to establish a system of reporting on the commission of these crimes, then a helpline, then establish effective intervention programs and measures, access to all information, information on all facts, etc. Member States will also improve their criminal legislation by harmonizing it in Art. 18.-29. These conventions relating to criminal offenses. The Convention also provides for the promotion of investigations, prosecutions and procedural law in order to ensure that these proceedings are conducted in the best interest and respecting the rights of the child.

An important part of this Convention is the chapter on the recording and storing of information about convicted sex offenders. The Convention also provides for international co-operation giving it the legal basis for mutual legal assistance in criminal matters or extradition in respect of offenses established in accordance with this Convention. The Convention provides that the signatory States shall establish a committee as a monitoring mechanism with the obligation to establish procedures for the collection of data with the aim of monitoring the application of this Convention. This Convention shall not affect the obligations of the Member States arising from the rights and obligations arising out of the United Nations Conventions and the Protocols. Its function is to provide greater protection and assistance to children victims of sexual abuse and abuse.

- 2011. BiH signed the Hague Convention on the Contact with Children and the Convention on the Maintenance of Children.

5.2.2. Legal framework in BiH

The assessment of the degree of harmonization of laws in Bosnia and Herzegovina, on the whole, is very positive and continuing the trend of harmonization of BiH laws (laws from the period 2007-2010). When it comes to laws adopted at the BiH level and other strategic documents relating to the rights and protection of children, the most important ones should be mentioned: - Action Plan for Children BiH 2010-2014. - Law on the Prohibition of Discrimination of BiH ("Official Gazette of BiH", No. 59/09). - Law on Gender Equality in BiH ("Official Gazette of BiH", No. 16/03, 102/09 and 32/10 - consolidated text). - Framework policy for the promotion of early growth and development of children in Bosnia and Herzegovina ("Official Gazette of BiH" No. 36/12). When it comes to entity laws, it should be noted in the observed period: In the Federation of BiH, in the past period, the following should be noted: - Law on Protection against Domestic Violence in FBiH ("Official Gazette FBiH", no. 22/05 and 51/06) FBiH Family Law ("Official Gazette FBiH", No. 35/05 and 41/05), - FBiH Criminal Code ("Official Gazette FBiH" No. 36/03, 37/03, 21/04, 69/04, 18/05 and 42/10),

In the past, in the Republic of Srpska, the importance of adopting amendments to the Republic of Srpska should be emphasized: - The RS Law on Protection against Domestic Violence ("Official Gazette of RS", No. 118/05 and 17/08), which improves existing legal solutions related to the protection of children from Domestic Violence - adoption of the Law on Preschool Education and Education ("Official Gazette of the Republic of Serbia", No. 119/08), - the Law on Primary Education and Education ("Official Gazette of the Republic of Serbia", No. 74/08), - the Law on Secondary Education (RS Official Gazette, No. 74/08), - RS Government adopted in 2008 the RS Family Development Strategy for the period 2009-2014, - RS Government adopted Strategy for Fighting against violence in the RS family until 2013, - in 2009, the Youth Policy of the Republic of RS 2010-2015 was also adopted.

In the past, the Brčko District of BiH should emphasize: - The Law on Child Protection of the Brčko District of BiH ("Official Gazette of Brčko District BiH", No. 1/03, 4/04, 21/05, 19/07, 2/08 and 51/11), - Law on Social Protection of the Brčko District of BiH («Official Gazette of the Brčko District of BiH» No. 1/03, 4/04, 4/04, 19/07, 2/08) - Law on education in basic and secondary schools of the Brčko District of BiH («Official Gazette of the Brčko District of BiH», No. 10/08).

The general assessment of the degree of harmonization of laws in BiH can be summarized in several noted problems, such as:

- unequal social benefits, unmatched child protection, insufficient financial resources and professional capacities, causing unequal protection; in some laws, the definition of a child of the victim of violence is lacking, which allows for their more effective protection;

- There are no laws in BiH relating to the prevention of violence against children or parts of sectoral laws that deal more closely with prevention issues; there is a lack of a system of expert supervision that should enable the raising of standards for the protection of children against violence, which can be achieved within the established system of social prevention;

- In the field of education, laws are largely harmonized, but there is an evident need to improve the school management system, i.e. the responsibility of school management in relation to peer violence among children;

- In the interior sector, we note that there are no harmonized legal solutions regulating the central system for recording violence against children, that is, the system of records of persons who committed violence against children (separation of records only according to the age of the victim),

- In the justice sector, trends have been noted regarding the need for further harmonization of criminal legislation with international law, especially when it comes to a more permanent determination according to the definition of a child as established under the UN Convention on the Rights of the Child, then the need to harmonize the penal policy,

- In the health sector, we note the need to improve inter-departmental cooperation (protocol) in order to cooperate with the non-governmental sector, as well as a permanent system for recording violence against children and establishing a list of services that should be provided to children who are victims of violence and their family.

6. Concluding observations in the form of a note

Already in the previous one-year project of this strategy for its three-year implementation (2007-2009), it is envisaged to comply with international conventions signed and ratified by BiH, specifically the UN Convention on the Rights of the Child, which defines the child as a person under 18, a person under 14 years of age is considered a child in the Criminal Code of BiH. In connection with the aforementioned convention, it is necessary to incorporate procedural measures for the protection of the child victim of the criminal offense. This measure has not been fully realized and in the next strategic period it is necessary to make additional efforts to try to achieve all the provisions and activities envisaged by it.

During the project as a permanent process of monitoring the implementation of the strategy, attention was drawn to the need for harmonization of criminal legislation in BiH. It was precisely in relation to the Strategy that priority was given to crimes against sexual freedom and morality and criminal offenses against marriage and family, both in terms of the definition of criminal offenses and in terms of sanctions. There is not much that has been done in this project plan and is necessary for the implementation of this strategic goal and additional efforts to accompany the measures. A very similar situation is also with regard to more severe criminal policy, that is, criminal sanctions for the crimes in which the victims are damaged or victims of children, which must be more stringent in line with the type, severity, manner of execution and the consequences that these offenses leave to the child victim. A similar situation is also in view of the need for a clearer definition of criminal law provisions relating to obsolescence of crimes committed at the detriment of children, so that obsolescence begins from the day when a child who is injured by a criminal offense, especially in his sexual sphere, becomes punitive.

There is also a need to prescribe more stringent criminal sanctions in accordance with the type, severity, manner of execution and consequences that these offenses leave to a child damaged by a criminal offense. For some criminal offenses, this measure has been achieved, but in general, in the next strategic period, this strategic measure needs

to be fully realized and aligned with international standards. Its realization is very important and should be considered as a generally preventive segment of action, which makes it clear that the child is protected in the right way, that is, in accordance with the provisions of the Convention on the Rights of the Child.

Creation of unique databases is one of the burning problems in BiH when it comes to strategic planning. For many strategies, due to financial expenditures, due to political problems, an adequate and unique update of the collected data on "problem-oriented" information has not been established. In the previous strategic period, the objectives were aimed at adopting a sustainable system/record keeping function for victims of crimes that would clearly delineate data in relation to adult and juvenile victims of crime, the type of crime, as well as the gender of the victim, then the flow and outcome procedure, and content with regard to children victims of the crime, and delineated the columns according to the age of the child (up to 14, 14-16, 16-18 years). It was also necessary to introduce a section on data on measures to protect and inform the child victim of the crime. The analysis of the data obtained in the monitoring process identified the problem of non-uniformity in the completion of the questionnaire and the inability to determine the competence and information of the respondents (representatives of institutions) about the problem, and more precisely, the situation in that area. It has been found that modernization of the application for data collection from all levels should be carried out through innovative systems and innovative technical support (web applications etc.). In this way, ambiguity will be avoided with respect to certain "problem-oriented issues" on the one hand, and on the other hand, a uniform, permanent data entry from all levels and all sectors would be achieved.

One of the burning problems in treating child victims in the previous reference period is certainly the existence or lack of cooperation between the governmental and non-governmental sectors. In the Strategy, which is the subject of this paper, one of the strategic measures was to improve the cooperation with the non-governmental sector and the centers for social work with regard to the accommodation and protection of the child victim of violence, as well as ensuring the exchange of information and data, which especially refers to the courts with regard to criminal offenses domestic violence and the pronouncement of protection measures by the court. It is evident from the analysis that a lot has been done in this respect, but that certain measures are not sufficiently precise, and thus not harmonized. Therefore, when it comes to cooperation between the non-governmental and governmental sector, we could not find a uniform protocol on cooperation that is uniform and professional standards. Responsibility for this situation should be shared and proposed in the next strategic period the development of alternative projects (shadow project) in order to get information on violence against children in the right way, but also to a great extent concretize the cooperation between the government and the non-governmental sector.

Education of judges and prosecutors in order to improve this area was one of the basic ideas of this strategy. It was planned to carry out education of judges and prosecutors for this type of criminal offense and possibly train judges/prosecutors to be entrusted with acting in cases involving children who are victims of a crime, because a special procedure for this category of victims is needed, a more sensible approach and the acquisition of the trust of the child in the interest of obtaining a better quality statement, the application of witness protection measures (the Law on Witness Protection under threat and threatened witnesses) and data for identifying the criminal offense and the perpetrator, collecting the necessary evidence and pronouncing an

adequate criminal sanction. In the previous period, several strategies were adopted in which the child was treated in different ways, so this obligation was carried out through several strategic documents. What we noted in the analysis is the fact that training of judges and prosecutors regarding the protection of the rights of the child in accordance with the Convention on the Rights of the Child is planned in the coming period. Special education is planned for judges and prosecutors who, in their professional orientation and duties, have a child in the focus of interest. In this way, the CEST of the FBiH and the RS Road show great progress in this regard.

Considering that the analysis of the Strategy has determined the existence of several protocols (*e.g.* the Protocol on the Treatment of Violence against Children) which have not sufficiently specified the provisions on cooperation between the competent institutions as regards procedures in specific situations, it should be noted that attention should be directed to their innovation and most importantly to the training of experts for the application of the provisions of those protocols. The analysis concluded that the Republika Srpska adopted the Protocol on the Treatment of Violence against Children, but it can be seen from the qualitative analysis that much remained at the level of formalities. It is also evident that professionals from different sectors are not sufficiently informed about the content and structure of these documents. In the following period, it would be particularly necessary to provide a special strategic measure to address this problem, and in particular media information on violence against children and youth in Bosnia and Herzegovina.

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