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ИНСТИТУЦИЈА ОМБУДСМЕНА/ОМБУДСМАНА
ЗА ЉУДСКА ПРАВА БОСНЕ И ХЕРЦЕГОВИНЕ

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**„Children have the right to protection from sexual abuse and exploitation
Did we do enough to protect them?“**

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I Introduction

In 1980 in the USA the notion of “battered child syndrome” was defined¹. Extension of this definition lead to what is today known as a child sexual abuse which involves “any kind of exploitation of a child under 16 aimed at sexual satisfaction and gratification of an adult including: obscene phone calls, obscene conversations and allusions to sex and sexuality, exposure of genitals and usually covered parts of body to the child, fondling against the child’s will or inappropriate, taking pornographic photos or films involving children, attempts or engagement in sexual intercourse, attempt or commitment of rape, incest and child prostitution”, according to Manual for aid workers dealing with abuse victims and survivors.

Sexual abuse is known as a "silent problem" because the children are often afraid to talk about it. Sexual abuse mostly happens in the period between 4 and 8. Children suffer from psychological trauma, they withdraw and isolate themselves, suffer from depression, lose self-esteem and trust and confidence in others. When they withdraw they start feeling helpless, which can have a long-term impact to their future relationships, emotional health and prevent them from reaching their educational and career goals.

In addition to strangers, the molesters can be their peers, neighbors, teachers, parents and relatives with any educational background. Abusers mostly restrain from use of coercion, they rather rely on persuasion, threats and bribe. Eighty percent of sexual abusers are persons known to the child. Abuser threatened them not to talk about it, s/he persuaded them that it is “their secret”, or the child is simply too young or too shy to describe what happened or happens.

Some children may feel guilty since they shown no resistance in the beginning. When they want to stop it, they feel powerless since they did not say “no” from the beginning. The child can also be afraid of harming the abuser or spoil the relationship with him/her if their “secret” is revealed or if s/he refuses to continue with it.

Victims are mostly girls, but violence against boys is also increasing, the latter developing, as the results of studies and scientific research show, more serious and severe problems and forms of psychopathology as a consequence.

According to the information from the UNICEF, every third girl and every third boy survive a kind of sexual abuse before they reach the age of 18.

Sexual abuse and exploitation of children in BiH are alarming for a long time now. Although the conviction that it does not happen in our society is widespread, we are witnessing the situation that it happens and it happens against the most vulnerable categories as well. The community rather turns the blind eye than to take the concrete action to prevent or suppress.

I Legislative framework for the protection from abuse and the social reintegration of the child

- International standards-

BiH is a signatory of a series of international documents for human rights protection such as: the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, which is incorporated into the BiH Constitution and has a supra-constitutional power, the International Covenant on Economic, Social and Cultural Rights,

¹ Gill 1991

the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the UN Convention against Transnational Organized Crime, the Protocol to prevent, suppress and punish trafficking in persons, especially women and children², Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. C182³, European Convention on the Compensation of Victims of Violent Crimes,⁴ Convention on the Elimination of All Forms of Discrimination against Women and UN Convention on the Rights of the Child with Optional Protocol on the sale of children, child prostitution and child pornography.

- Strategies -

Bosnia and Herzegovina and the entities adopted the following: National Action Plan for Combating the Trafficking in Human Beings 2008-2012, Strategy for the Prevention and Combating the Domestic Violence in BiH 2009-2011, National Strategy for Combating the Violence Against Children 2007-2010, Strategy to Combat HIV/AIDS, Ethic Code of Research of Children, Professional Journalistic Standards Code of Ethics, Code of Ethics for Broadcasting of TV and radio programs, BiH Gender Action Plan (GAP), RS Action Plan for Children 2001-2010, FBIH Strategic Plan for the Domestic Violence Prevention 2009-2010.

- Constitution and legislative framework on BiH, entity and BD BiH level -

Constitution framework in Bosnia and Herzegovina provides guaranties for the implementation of the highest standards of human rights protection without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

During 2009 adopted was the **Law on Prohibition of Discrimination**⁵ which followed the adoption of the **Law on Gender Equality in BiH**⁶. There are no realistic indicators yet as to the implementation of the Law on Prohibition of Discrimination, but there is a great deal of concern about it since the first registered complaints lodged within the Institution of BiH Ombudsman indicate that the adoption of this Law was understood as formal and the implementation of measures on harmonization of other legislation with this law has not even started and was supposed to take place within a year following the adoption of the Law (Article 24). **What particularly raises concerns is lack of readiness of judicial system to implement the provision related to the burden of proof lying on the alleged abusing party pursuant to the Law on Prohibition of Discrimination.**

Criminal legislation in BiH includes provisions sanctioning criminal offences against the rights of man and of the citizen where a special form of such an offence is a violation of the rights to **equality. Child abduction and kidnapping and change in child's family status** are also defined as criminal offences.

Prohibition of sale of children, child prostitution and child pornography is defined as a criminal offence.

² Official Gazette – international agreements 3/02

³ Official Gazette – international agreements 3/01

⁴ Official Gazette – international agreements 4/05

⁵ Article 1 of Law on Prohibition of Discrimination, BiH Official Gazette No. 59/09.

⁶ Law on Gender Equality in Bosnia and Herzegovina, BiH Official Gazette No. 16/03, 102/9 consolidated version No. 32/10.

BiH criminal code provides sanctions for criminal offences such as establishment of slavery and transport of slaves, trafficking in human beings, international procurement for prostitution, smuggling of persons and taking hostages⁷.

FBiH Criminal Code, RS Criminal Code and BDBiH Criminal Code provide sanctions for criminal offences including the sexual freedom and morality, inter alia, criminal offences against sexual freedom and morality, sexual intercourse with a child, pandering, induction to prostitution, abuse of a child or a juvenile for pornography, introduction of a child with pornography.

The BiH Ministry of Human Rights and Refugees adopted the **Rules on the Protection of Victims and Witnesses of Trafficking in Human Beings Citizens of Bosnia and Herzegovina**⁸ defining the binding standards of the protection of human rights of the victims and witnesses of trafficking in human beings citizens of Bosnia and Herzegovina. These Rules define the notions such as: witness of abuse, victim, child, circle of the institutions at all the levels with mandate including co-ordination or implementation of the activities on prevention and suppress of trafficking in human beings, authorized organizations (associations or foundations) with capacity to provide protection and aid to the victims and witnesses of abuse who signed a protocol with the relevant institutions in BiH. Basic principles are also protection of the best interest of the child, privacy protection, data confidentiality.

BiH Ministry of Safety has adopted the **Book of Rules on the protection of foreign citizens who are victims of human trafficking**⁹ defining the child as a person under 18 years of age, and the rights of the children to a „special protection“ - special treatment and summary proceedings.

Laws on the protection of The Law on the Protection of Vulnerable Witnesses and Witnesses under Threat¹⁰ does not include definition of the notion of the child and their protection, but it defines the notion of the family comprising persons which are allowed to reject giving their testimony pursuant to the provisions of the Criminal Proceedings Code (BiH, FBiH, RS and BD BiH), and in this sense it could be important in child protection proceedings.

Family legislation in BiH¹¹ foresees that parents and other family members must not subject the child to degrading treatment including all the forms of sexual abuse, and that parental rights be denied to the parent sexually exploiting the child, in addition to provisions that abuse specially exists in cases involving corporal and psychological violence against the child, sexual exploitation, inciting to socially unacceptable behavior which are all reasons for denial of parental custodial rights.

Legislation related to the protection from domestic violence¹² defines the notion of domestic violence as an offence involving the infliction of physical, psychological, sexual or economic harm or suffering as well as the threatening by committing of such an offence or failure to take due action and care which seriously hamper family members from the enjoyment of their rights and freedoms on principles of equality in public and private life. The Law also enumerates individual violent actions such as sexual harassment and harassment of other family member pursuant to the BiH Law on Gender Equality. Entity legislations qualify domestic violence differently, so that the Federation

⁷ Articles 185, 186, 187, 189, 191 of BiH Criminal Code

⁸ BiH Official Gazette 66/07- Rules and Council's Decision on the Adoption of Rules

⁹ BiH Official Gazette 90/08

¹⁰ In BiH Official Gazette No. 3/03, 61/04, 55/05; FBiH published in Official Gazette No. 36/03,17/01; RS Official Gazette 48/03 and BD BiH Official Gazette 10/03 and 8/07

¹¹ Article 97 of the RS Family Law (RS Official Gazette No.: 54/02, 41/08); Article 154 paragraphs 1 and 2 of the FBiH Family Law (FBiH Official Gazette No. 35/05 and 41/05); Article 136 of the Brčko District BiH Family Law(BDBiH Official Gazette 23/07)

¹² RS Official Gazette No. 118/05, 17/08; FBiH Official Gazette No.22/05; provisions related to the protection of violence in a u BD comprised by the District Family Law. New wording of the Law on the Protection from Violence in FBiH is pending adoption

law treats it as a criminal offence, while the RS law sees it as both a misdemeanor and a criminal offence.

- Reintegration of the child victim of abuse -

UN Convention on the Rights of the Child¹³ sets out the obligation of the member-states to take appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Legislation defining measures for providing the assistance, protection and prevention related to children victims taking the best interest of the child in consideration is not in place in BiH.

Unlike the entity legislation, only the **BD BiH Law on Social Protection**¹⁴ defines the notion of the abused child as a person who have been inflicted physical or mental pain or damage, which caused deterioration of health, physical and mental integrity of the person or arrested the normal development of the person, while the entity legislation defines only neglected children, but not children victims of violence.

In the area of social protection, when it comes to the process of reintegration of the victim it should be emphasized that social work centers do not recognize problem of trafficking in children within BiH and that protection and assistance to victims of trafficking is not ensured on principles established by the international standards.

It is possible, however, to implement entity legislation in the area of social protection since the **FBiH Law on Basics of Social Protection, Protection of Civil Victims of War and Families with Children** regards counseling provided by the institutions in attempts to find solutions for family problems as a service within social and other expert work and this service is available to all the individuals and families for the protection of their rights and interests and prevention of emergence or alleviation of consequences of social problems.

RS Law on Social Protection defines social protection is an organized activity aimed at prevention and elimination of the causes and consequences of the condition of social need and assistance to citizens and their families in social need situation. Therefore the rights of the child depend on qualifications and capacities of social work centers, which means that their enjoyment is not guaranteed to all the children in BiH.

Rights of children victims of trafficking in BiH are governed only by a by-law, that is, **Book of Rules on the protection of citizens of Bosnia and Herzegovina who are victims of human trafficking**¹⁵. These Rules were adopted as a binding standard for the protection of human rights of victims and witnesses of trafficking in human beings, citizens of BiH and establish the principles and common core standards of work with regard to the identification process, organization of protection and assistance, primary and secondary prevention and other activities related to the protection and assistance to victims of trafficking in human beings and the witnesses of it from Bosnia and Herzegovina. The issue of children rights protection is governed by Article 15, but the provision has not been harmonized by the provisions of the Family Law. Namely, protection of the best interest of the child is a binding standard for the relevant authorities in BiH as well as the authorized organizations aimed at ensuring the automatic protection of the child, appropriate

¹³ Article 39 KPD

¹⁴ BD BiH Official Gazette 1/03, 4/04, 19/07

¹⁵ BiH Official Gazette No. 66/07

assistance, reintegration, rehabilitation, that is, the final recovery and provision of the permanent care in cases involving violations of the rights of the child victim/witness of abuse. The Rules does not draw a clear distinction between the protection of the child victim and the adult victim. Definition of the best interest of the child is also missing as well as the cases when this principle is to be applied.

Further analysis of these Rules governing the protection of citizens of BiH victims of trafficking in human beings, show that Rules and Decision on the Adoption thereof do not arise from the law or any hierarchically higher act, nor are harmonized with the legislation of Bosnia and Herzegovina and UN Convention on the Rights of the Child, which rises question of the legal efficiency of such a document and its application to concrete cases.

Particular problem is in the fact that the Rules also govern some issues that are already governed in a special law. To be more concrete, it is about the witness protection, which is governed by the Criminal Proceedings Act and Witness Protection Act.

Status of the child who is foreign citizen and victim of trafficking in human beings are governed by **Book of Rules on the protection of foreign citizens who are victims of human trafficking**. In Article 7 of the Book of Rules a special treatment and protection of the child is foreseen. However, it is unclear what is meant by the said special treatment and protection since the further provisions do not elaborate how this right can be realized so it remains on a declarative level¹⁶

There is a gap between the legislative framework, established procedures and the available capacity of institutions which are supposed to ensure protection of victims. Inconsistence of the protection system between victims nationals and non-nationals is particularly rising concerns.

- Concluding observations of the Committee -

In 2006 the Committee on the Rights of the Child¹⁷ and the Committee for the Elimination of Discrimination of Women¹⁸ submitted their **Concluding Observations** on the national reports on the rights of the child and discrimination of women with regard to sexual exploitation and abuse. The state was recommended as follows:

1. to strengthen its efforts to fully implement and incorporate the above-mentioned Optional Protocol in the criminal justice systems as well as to identify, prevent and combat trafficking in children for sexual and other exploitative purposes;
2. thorough, independent and effective investigations to be carried out regarding the allegations that police officers may be involved in trafficking-related activities;
3. to harmonize legislation related to the protection from domestic violence in both entities with, speed up the adoption of by-laws and establish the relevant structure and necessary implementing institutions¹⁹ ;
4. Undertake a comprehensive study on violence against children, more particularly, on sexual abuse in order to assess the extent, the causes, scope and nature of this phenomenon;
5. Strengthen awareness-raising and education campaigns with the involvement of children in order to prevent and combat child abuse;
6. Strengthen measures to encourage reporting of instances of child abuse and to prosecute the perpetrators of these acts;

¹⁶ Article 7 of the Rulebook on the Protection of Foreign Citizens Victims to Trafficking in Human Beings

¹⁷ CRC/C15/Add.260 items 43, 53, 70 and 72

¹⁸ CEDAW/C/BIH/CO/3 items 25, 26 and 36

¹⁹ In the meanwhile by-laws were adopted, while the new wording of the Law on the Protection from Violence in FBiH is pending the adoption

7. Provide care, full physical and psychological recovery and reintegration for child victims of violence;
8. to take concrete measures to empower women to report incidences of domestic violence and to ensure, through training programmes, that public officials, especially law enforcement personnel, the judiciary, health-care providers, social workers and teachers, are fully familiar with applicable legal provisions, are sensitized to all forms of violence against women and are skilled to respond to them in an adequate manner;
9. to encourage the State party to collect data on incidences of domestic violence against women and, based on such data, continue to develop sustainable strategies to combat this human rights violation;
10. that measures be taken to guarantee effective access of women and girls to information and services regarding sexual and reproductive health in order to prevent recourse to abortion and protect women from its negative health effects;
11. strengthen efforts on prevention of the spreading of HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups as well as the population at large, so as to reduce discrimination against children infected and affected by HIV/AIDS.

II Relevant institutions

Institutions in charge for the protection of the child in cases involving the sexual abuse are primarily the police, prosecutor's offices, courts, social work centers, institutions and organization for human rights protection, all pursuant to their respective mandate.

- The role of the BiH Human Rights Ombudsman Institution -

Following the appointment of new ombudspersons of BiH in December 2008 and the change of policy course of the Institution, an improvement was registered in the area of the children's rights protection since the establishment of the Department for the protection of the rights of the child was part of this reform. The Department has a broad mandate as defined in the Law on Human Rights Ombudsman of BiH. Support of the "Save the Children" Norway to the Institution of BiH Ombudsman is particularly important in the strengthening of the capacity of the Department. This created necessary preconditions for this Department to respond to all the challenges related to the protection of the rights of the child.

The Institution of the Ombudsman of Bosnia and Herzegovina in the framework of its mandate related to ensuring the enjoyment of the rights of the children receives and processes individual and collective complaints and/or ex officio, based on information obtained from media, field visits of schools, institutions etc., analyzing the legislation and giving the initiatives for new legislative solutions in the best interest of the child.

BiH Ombudsman particularly highlights the importance of the general principle of UN Convention on the Rights of the Child which is closely linked to the provision of the protection – **which is the definition of the notion of the child**. Unfortunately, BiH legislation defines the child differently. It is directly reflected in the implementation of the instruments for their protection, especially in cases when the children are victims of the offences.

So far the Ombudsman Institution registered two applications related to the protection from sexual abuse of a child, and the Institution was required to follow-up the cases since both cases are being prosecuted by the relevant authorities.

The BiH ombudspersons visited prison institutions and registered a case of granting a convicted person permission to spend annual leave at the address where his victim, that is, the child

– victim of his sexual abuse lives. The ombudspersons turned the attention of the relevant institutions for the execution of criminal sanctions and the Ministry of Justice to this omission emphasizing that such cases must not happen again.

The BiH Ombudsman also registered a case involving the BiH Prosecutor's Office where they took the view that a 14-years old girl falls outside the scope of the protection enshrined by the Law on Gender Equality since she is not a „woman“. The BiH Ombudsman emphasized the following:

1. The BiH Law on Gender Equality does not mention children, younger or older minors, but it promotes, with no limitations, protection from gender-based discrimination;
2. The Law on the Protection from Domestic Violence, the violent offence, that is, sexual abuse, is linked to the BiH Law on Gender Equality;
3. gender, male or female, is registered immediately after the child's birth and entered into the basic ID document – the extract from the Birth Register;
4. the unique citizen's personal ID number which is allocated to every citizen following their entry into the Birth Register also comprises the gender code;
5. in the concrete case, in the interest of the protection of the girl in question, the implementation of the Law on Gender Equality was important as the case involved violation of the rights of a person under 14 years of age and had features of gender-based sexual harassment inflicting the harm to peace, mental health and physical integrity of the person, but it could not be qualified as any other offence punishable under the Criminal Code of FBiH or KZ RS. Now, the failure to implement this provision since the prosecutor did not want to classify the victim as a “woman” in order to allow for the above qualification, prevented her from seeking the court protection and denied her the access to justice, so the violations of her human rights continued. This raises the issue of equal access to justice to all the persons, as well as the protection of human rights and fundamental freedoms enshrined by European Convention for the Protection of Human Rights and Fundamental Freedoms which has the constitutional force in Bosnia and Herzegovina²⁰.

BiH Ombudsman received the **Report on the implementation of the Optional Protocol on sale of children, child prostitution and pornography**. The mentioned Report highlights shortcomings and omissions in the on the implementation of the Protocol and it **comprised a detiled (sometimes too detailed) description of legal system, with no practical examples which would provide a realistic presentation of possible methods of implementation of the legal provisions in question. Another objection is that national reports are not available to the public.**

During 2009 the BiH Ombudsman prepared the **Analysis of compatibility of BiH legislation with the UN Convention on the Rights of the Child**. This analysis was published in December 2009²¹, and the implementation of the Optional Protocol on sale of children, child prostitution and pornography should be regarded in the light of it. Summary of the objections presented in the Report is the following:

1. ***Revised Action plan for children 2002-2010 in BiH has not been adopted yet***, it is still in the form of a draft, although its adoption was determined in conformity with the recommendations of the UN Committee on the Rights of the Child. Also, new members of the ***Children Council following the expiry of the mandate of the previous members have not been elected***, so it could be said that this Council does not exist anymore.

²⁰ Article II 2 of BiH Constitution

²¹ Analysis on harmonization of legislation with the UN Convention on the Rights of the Child, the Institution of BiH Human Rights Ombudsman, www.ombudsmen.gov.ba

2. *An efficient systematic mechanism of the children's rights protection has not been in place in BiH*, so that the rights of children are mostly regarded as an additional mandate of the authorities and institutions given the Constitution powers for another area. For that reason children's rights are often treated as an additional, even imposed obligation. In conclusion, *the rights of the child are not a primary focus of the interest and functioning of the institutions*.
3. *Certain positive developments in BiH were noted in creation of strategic documents since these documents include the rights of children to a large degree*, much more than legislation.
4. *Apparently the measures on harmonization of the BiH legislation governing the rights of children are missing*, along with securing the proportional funds. In practice, it results in different treatment of children in violation of Article 4 of the Convention setting out the obligation of the member-states to take all measures for the implementation of the rights recognized in the Convention, having in mind the fact that economic and social rights are of progressive character.
5. *Problem of non-existence of database enabling the follow-up on the rights of the child in BiH and facilitating identification of problems* is still present. With the census not conducted yet, facts as to the number of children are not established, let alone the number of children with special needs, children with no parental care etc.
6. Within the framework of civil lobbying campaign and in order to establish joint activities of BiH authorities, NGOs and other civil society organizations aimed at the promotion and strengthening of institutional dialog and co-operation, in May 2007 signed was the Agreement on Co-operation between the Council of Ministers of BiH and the NGO sector. This is the basis for the official co-operation of the two sectors in BiH and the democratization of the whole society. It is realistic in future to expect more serious profiling of the civil sector in different activities.
7. *Rather significant developments could be noted in the promotion of the Convention and the Protocols thereto, as well as the Concluding observations and recommendations of the Committee by the BiH Ministry of Human Rights and Refugees in co-operation with UNICEF*. Unfortunately, an adequate engagement of the higher authority levels in promotion of rights determined in the Convention is missing.
8. *System of communication, exchange of information and co-operation between the different authority level on vertical and horizontal level has not been established in satisfactory manner and mostly comes as a result of individual efforts*.

Therefore, the **BiH Ombudsman** stress that it is necessary to work on recognition of other forms of the activities forbidden by the Protocol and raising the public awareness on their detrimental impacts on the development and well-being of the child, which is particularly characteristic for the educational, social welfare and law enforcement institutions.

Awareness on magnitude of the child pornography problem in BiH has not been created; therefore the efficient measures on prevention of this harmful social phenomenon are not in place.

In BiH we still face a problem of *non-existence of direct implementation of the international standards, although the Constitution provides of such an obligation of all the institutions, particularly in cases when national legislation is not harmonized with international standards*. Practice in BiH is that creation of certain measures happens partially instead of having a systematic approach *so that some negative occurrences are taken isolated from others, which leaves the space for some problems not to be resolved in a comprehensive manner*. An example of such a practice are issues dealt with in the Protocol since despite the existence of a series of strategic

documents (National Action plan to Combat Human Trafficking, Action plan for Children and like) children are increasingly victims of the activities prohibited under the Protocol.

Ombudspersons are expressing their special concern with regard to the legislation in the field of prevention of the activities prohibited under the Protocol related to the implementation of Article 7 of the Protocol when it comes to taking measures to *ensure confiscation proceeds from crime or financial gains obtained from criminal activities and taking measures to close, temporarily or permanently the establishments used for such criminal offences.*

III Concluding observations

In BiH we *encountered a lot of problems related to the children protection system and prevention of sexual exploitation of children, their use for pornography, prostitution and similar activities.* Although there were some efforts made during the past period on the protection of the victims of human trafficking²² this process had many shortcomings with an emphasis on the protection of foreign nationals while the protection of the citizens of BiH was not of the primary concern.

Encountered problems in the system of children's protection from sale and exploitation in pornography and prostitution are the following:

1. *Criminal legislation in BiH does not comprise a definition of all the forbidden activities established in the Optional Protocol on the Sale of Children, Child Prostitution and Pornography,* which creates problems and dilemmas in its implementation giving at the same time the rise of the implementation of articles 3 and 7 of the Protocol. This aggravates the recognition of the characteristics a criminal offence and its processing before the relevant bodies;
2. *Non-existence of a comprehensive strategy* for the prevention of trafficking in children and their exploitation for pornography and prostitution and **low level of the public awareness** on problem involving children trafficking and exploitation for pornography and prostitution;
3. *Insufficiently developed national system of the protection of children's protection* from trafficking and exploitation for pornography and prostitution and *not established information system for gathering of data on* child trafficking and their exploitation for pornography and prostitution;
4. *Insufficient coverage of subjects involving child trafficking and exploitation for pornography and prostitution in the regular curricula of primary and secondary schools;*
5. *Insufficiently developed systematic and long-term programs of prevention targeted to children from specially vulnerable groups* (children with difficulties in development, children with disabilities, children without parental care, children belonging to national minorities, children illegal migrants, children living and working on the streets, children with no legal subjectivity);
6. *Insufficiently defined procedures of identification of children victims of offences and* lack of a pro-active approach to identification of potential victims and *non-existence of shelter and alternative solutions for accommodation of children-victims save for victims of trafficking;*
7. *Lack of specialized programs of protection and reintegration* targeting children victims and *non-existence of procedures for the long-term follow-up of the recovery and re-socialization of children victims;*
8. *Non-existence of programs of support and empowering of children victims.*

²² UN Convention UN Convention against Transnational Organized Crime, the Protocol to prevent, suppress and punish trafficking in persons, especially women and children ratified, BiH Official Gazette, International agreements 3/02

All the above weaknesses in the system of protection of victims are arising from the drawbacks in the legislation governing the health, social and education area, as well as the lack of the appropriate procedures, co-ordination and collaboration of the relevant authorities.

BiH needs to continue with the activities on the improvement of the victim's quality of life, as well as the prevention through the dissemination of information on the rights of the child as enshrined in the Convention and the protocols thereto. In particular, measures need to be taken on removal of downsides in the system resulting in unequal rights in the area of health, education and social care.

In addition to the above, the Institution of BiH Ombudsman gives rise to the following issues:

- statute of limitation for prosecution of the sexual abuse and exploitation of children offenders;
- removal from register of the offenders of such crimes;
- relevant social welfare authorities and the police should exchange information on residence of the offenders in order to maintain permanent supervision over their place of residence and whereabouts;
- keeping the movement and stay of the offenders under control during their leave when serving the sentence

Issues raised during this meeting will find their answers in Bosnia and Herzegovina once the continuous, quality and course of action with no territorial restrictions is established in collaboration of the police, prosecution, judiciary, social and health care, education, institutions for the protection of human rights and the rights of the child with support of civil society and media