



Special Report

on Situation in Institutions where Children in Conflict with the Law are Placed

December 2021, Banja Luka

BOSNA I HERCEGOVINA
Institucija ombudsmena/ombudsmana
za ljudska prava
Bosne i Hercegovine



БОСНА И ХЕРЦЕГОВИНА
Институција омбудсмена/омбудсмана
за људска права
Босне и Херцеговине

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina

Special Report on Situation in Institutions where Children in Conflict with the Law are Placed

December 2021, Banja Luka

Authors of the Report

Ombudspersons:

- Prof. dr. Ljubinko Mitrović
- Jasminka Džumhur, PhD
- Nives Jukić

Working Group:

- Vedrana Pavlović, Assistant Ombudsman
- Aleksandra Marin Diklić, Assistant Ombudsman
- Andrea Čaluk, Expert Advisor
- Dejana Kozomara, Expert Advisor
- Hari Hamzić, Expert Advisor
- Alma Mehonić Kišić, Expert Advisor

Technical Support:

Dragan Perić, Head of IT Department



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development
and Cooperation SDC



Švedska
Sverige

unicef 
za svako dijete

The views and opinions expressed in this publication are the sole responsibility of the authors and do not necessarily reflect the views and opinions of the Governments of Switzerland and Sweden, nor of UNICEF in BiH.

CONTENTS

- I INTRODUCTION 5**
- II RESEARCH METHODOLOGY 7**
- III RELEVAT LEGISLATION 8**
- IV ANALYSIS OF CURRENT SITUATION IN THE INSTITUTIONS WHERE CHILDREN IN CONFLICT WITH THE LAW ARE PLACED..... 11**
 - 4.1. Institutions for the execution of juvenile prison sentence..... 11
 - 4.2. Institution for the Execution of the Institutional Educational Measure of Referral to the Educational-Correctional Facility 28
 - 4.3. Institution for the Execution of Institutional Educational Measure of Referral to Educational Institution 38
 - 4.4. Institutions for the execution of educational measure referral to the educational center... 47
- V EXPERIENCES AND PROCEDURES OF THE COURTS, SOCIAL WELFARE CENTERS, AND PROSECUTORS IN PROTECTION OF CHILDREN IN CONFLICT WITH THE LAW..... 61**
 - 5.1. Courts 62
 - 5.2. Social welfare centers/social protection services 66
 - 5.3. Prosecutor's offices..... 77
- VI GENERAL CONCERNS OF THE OMBUDSMAN 81**
- VII RECOMMENDATION OF THE OMBUDSPERSONS OF BOSNIA AND HERZEGOVINA 83**
- ANEX I..... 85**

I INTRODUCTION

Institution of Human Rights Ombudsman of Bosnia and Herzegovina is an independent institution established to promote good governance and the rule of law, protection of freedoms of physical and legal persons as enshrined in the Constitution of Bosnia and Herzegovina and international treaties appended thereto. Based on their authorities defined by Law on Human Rights Ombudsman of Bosnia and Herzegovina Ombudspersons have developed their strategic goals in order to fulfill the Ombudsman's mission and vision, which include, *inter alia*, efficient protection and promotion of human rights and cooperation with the bodies and institutions of Bosnia and Herzegovina, as well as NGOs and citizens. In their work Ombudspersons pay special attention to the implementation of the rights of children through its Department for Monitoring the Rights of the Child which operates since 2009. The Department is in function of the protection, implementation and affirmation of the rights of the children pursuant to the UN Convention on the Rights of the Child. Special attention is paid to the removal of obstacles to the consistent implementation of this and other international instruments ratified by Bosnia and Herzegovina, and to the analysis of main causes of non-functioning of government structures in decision-making concerning children.

Owing to the support of UNICEF in Bosnia and Herzegovina in 2016 and 2018 the Ombudspersons have visited all the institutions in which the minors in conflict with law serve their institutional sanctions on the territory of the Federation of Bosnia and Herzegovina and the Republika Srpska. After these visits a document titled „Analysis of situation in the institutions accommodating the minors in conflict with law in Bosnia and Herzegovina“ and a Report on implementation of recommendations issued in a document titled „Analysis of situation in institutions where children in conflict with law in Bosnia and Herzegovina are placed“¹. This analysis and the report aimed, in addition to the promotion of the rights of juveniles placed in institutions for the execution of criminal sanctions, to identify the results of treatment under the current system for the execution of criminal sanction towards juveniles in Bosnia and Herzegovina, to indicate to the best practices in work with the minors in conflict with the law and establish factors that have negative impact to the functioning of this system. Guided by the best interests of the child, the Ombudspersons sought to identify the main shortcomings and problems in the structure of institutional treatment of juveniles serving sanctions and offer solutions and recommendations to the authorities that would substantially and pragmatically contribute to improving the position of juveniles in conflict with the law thus supporting the process of reform of their institutional treatment.

In 2021 cooperation between the BiH Ombudsman and the UNICEF was continued and the mentioned institutions were visited again. The cooperation between the Ombudsman and UNICEF has a goal to further promote the rights of children who are in conflict with the law. With this Report, the Ombudspersons wish to remind the competent authorities of the content of the issued recommendations and emphasize their importance, because the Ombudsman's recommendations offer an direction to which the actions of the competent authorities should strive. The Ombudsman puts efforts to ensure the implementation of issued recommendations

¹ All documents available at the web-site of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina www.ombudsmen.gov.ba

to the highest degree possible, which is the reason why UNICEF in Bosnia and Herzegovina continues to support the Ombudsman.

This cooperation resulted in the preparation of a Special Report on the situation in institutions where children in conflict with the law are placed, but this time, in addition to the report, a comprehensive methodology for visits to institutions of this type was made that could be used not only by the Ombudsman, but also by other relevant stakeholders (such as ad hoc commissions or NGOs, etc.).

Protection of juveniles in conflict with the law from torture, inhuman and degrading treatment is a permanent task of all competent bodies and institutions, and it implies an active role not only of preventive mechanisms, but also of the Ombudsman, representatives of the legislative bodies, judiciary and CSOs. For this reason, guided by the best interests of the child, the Ombudsman is continuously since 2013 involved in the protection of the rights of children in conflict with the law² and the Ombudspersons are convinced that their activities contributed to the positive changes that took place in all relevant institutions in the period from 2013 to 2021. At the same time, however, they express concern, as the legislation on the protection and treatment of juveniles in criminal proceedings in the entities of Bosnia and Herzegovina³ applicable for a couple of years now brought a lot of positive aspects for the improvement of the rights of the child in this area, yet not to their full satisfaction. Ombudspersons keep insisting on the consistent and complete law implementation and advocate for changes that will contribute to the advancement of children's rights in conflict with the law.

Institutions included in this Report are Banja Luka Prison, Orašje Prison, CPI „Educational Center“ Tuzla, Sarajevo Prison, Istočno Sarajevo Prison, PI „Institute for the Upbringing of Male Children and Youth“ Sarajevo and CPI „Educational Center of Sarajevo Canton“⁴.

Ombudspersons are grateful to the management and staff of the institutions visited who provided the Working group members with all the information, unimpeded access to all premises and enabled interviews with children.

² Produced a Special Report on Youth and Children in Conflict with the Law

³ Laws published in the Official Gazette of Republika Srpska nos. 13/2010, 61/2013 and 68/2020 and the Official Gazette of the Federation of nos. 7/2014 and 74/2020;

⁴ List of institutions and dates of visits are listed in Annex I

II RESEARCH METHODOLOGY

Special report on situation in institutions where children in conflict with the law are placed is the assessment of the current situation and is a research/survey in its nature.

In this Report Ombudspersons refer to their previously expressed concerns and established shortcomings and issued recommendations based on thus far experience.

The Report was drafted by the staff of the Ombudsman of Bosnia and Herzegovina who visited all relevant institutions in the period from 13 to 28 September 2021. All visits were announced and competent ministries monitoring the work of these institutions⁵ informed.

Compared to the Ombudsman's reports from 2013, 2016 and 2018 in preparation of this Report the Working group implemented new Methodology in its work which included questionnaires sent to all institutions prior to the visits. These questionnaires were drafted in order to collect data on the institutions and children. Once the institutions submitted the requested data within the set deadline, the analysis of the obtained information was done, and appropriate questionnaires sent to all competent authorities that referred children to the institutions, i.e. the so-called external subjects - courts, prosecutor's offices and social welfare centers. In this respect, this Report comprises a comprehensive analysis of the data obtained from questionnaires answered by the institutions, competent social welfare centers, as well as courts and prosecutor's offices.

During the visit to the institutions, members of the Working Group divided into groups and talked to the children, administrative and professional staff, and the relevant documentation concerning the minors and their treatment in the institution was inspected. Interviews were also conducted with the heads of institutions. During the interviews in the institutions, the same protocols were used, i.e. interview guides, which, like the mentioned questionnaires, will make an integral part of the comprehensive methodology. It is important to point out that on this occasion, Ombudspersons were more concerned with the treatment of children in conflict with the law, and less attention was paid to spatial resources and problems in the organization of institutions and staff structure.

Having reviewed the situation in the institutions, the Ombudspersons sent recommendations at the end of this report, noting that some of the recommendations from previous reports were repeated and sent to the same authorities, because it was found that they were not implemented, and its implementation would improve the rights of children in conflict with the law. Before the final version of the Report was finished, based on previously reached agreements, a working version of the Report was submitted to all institutions for comment⁶.

⁵ Federal Ministry of Justice, Ministry of Justice of the Republika Srpska, Ministry of Justice and Administration of Tuzla Canton and Ministry of Labor, Social Policy, Displaced Persons and Refugees of Sarajevo Canton

⁶ Within the determined deadline the Juvenile Prison Istočno Sarajevo and CPI „Sarajevo Canton Education Center“ have submitted their objections and comments to the text of the Special report on situation in the institutions where children in conflict with the law are placed (the objections and suggestions of the CPI „Sarajevo Canton Education Center“ were fully respected, since it was about technical corrections in the text, while the comments of the Juvenile Prison were literally quoted in the text of the Special Report); Also, the Ombudspersons have received a letter of the Banja Luka Prison no. 08/1.022/244-2888/21-3 dated 01 December 2021 whereby they informed the Ombudsman

III RELEVAT LEGISLATION

Pursuant to the UN Convention on the Rights of the Child⁷ Bosnia and Herzegovina assumed obligation to protect the equal and inalienable, fundamental rights of every child, their dignity, the development of the personality and the environment for the child to grow up, and to ensure the protection of children in the field of juvenile justice.

States Parties took the obligation under this Convention to take measures to ensure that no child is subjected to torture or other cruel, inhuman or degrading treatment or punishment⁸. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time⁹. The Convention stipulates the obligation that every child be treated with humanity and respect for the inherent dignity of the human person¹⁰. It also stipulates that every child deprived of liberty be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances¹¹.

International framework in the area of juvenile justice also includes international standards particularly highlighted by Ombudspersons in their 2016 Report titled „Analysis of situation in the institutions accommodating the minors in conflict with law in Bosnia and Herzegovina“: the UN Standard Minimum Rules for the Treatment of Prisoners, known as (Mandela Rules)¹², Procedure for the Efficient implementation of these Standards¹³, Basic Principles for the Treatment of Prisoners¹⁴, United Nations Rules for the Protection of Juveniles Deprived of their Liberty, so called

*Holland Rules*¹⁵, UN standard minimum rules for juvenile judiciary of 1985, known as *Beijing rules*¹⁶, The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, so-called *Bangkok Rules*¹⁷, UN Standard Minimum Rules for Non-custodial Measures, known as *Tokyo Rules*¹⁸, Guidelines for the Prevention of Juvenile Delinquency known as the Riyadh Guidelines.¹⁹, UN Rules for protection of minors deprived of

that its letter calling them to give suggestions was received by regular, not urgent mail, so they missed the deadline and sent their suggestions on 06 December 2021. However, appreciating good cooperation of this Institution with the Ombudsman so far, these objections will be quoted literally.

⁷ The Convention was adopted by the UN General Assembly on 20 November 1989 and came into force on 02 September 1990. Law on Ratification of the Convention on the Rights of the Child, the SFRY Assembly, International treaties 15/90. Bosnia and Herzegovina is a part to the Convention based on the succession since 01 September 1993

⁸ Article 37 para a) of the Convention on the Rights of the Child

⁹ Article 37 para b) of the Convention

¹⁰ Article 37 para c)

¹¹ Ibid

¹² Adopted by the UN in 1955

¹³ Resolution of Economic and Social Council no.:1984/47, ANNEX

¹⁴ Basic Principles for the Treatment of Prisoners adopted by the UN General Assembly resolution no.: 45/111 dated 14 December 1990

¹⁵ Adopted in 1990 by the UN

¹⁶ Adopted in 1985 by the UN

¹⁷ Adopted on 22 July 2010 by the UN, Resolution no.: 2010/16

¹⁸ Adopted in 1990 by the UN

¹⁹ Adopted in 1990 by the UN General Assembly, Resolution no.: 45/112 of 14 December 1990

liberty, so-called "*Havana Rules or JDL Rules*"²⁰, European Rules for Social Sanctions and Measures for the implementation of the juvenile criminal justice, known as *Vienna Rules*"²¹.

Legislation making the basis for the preparation of the Special report on Situation in Institutions where Children in Conflict with Law are placed are the following: Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings adopted in Republika Srpska in 2010²², then in Brčko District of Bosnia and Herzegovina adopted in November 2011²³, and finally in the Federation of Bosnia and Herzegovina adopted in 2014²⁴.

In respect of treatment of the juveniles in conflict with the law, in addition to the mentioned pieces of legislation as primary source, there are other general principles and institutes of criminal law (material, procedural and executive) applied in criminal proceedings unless they are in contravention with the legislation on the protection and treatment of children and juveniles in criminal proceedings.

At the level of Bosnia and Herzegovina minors in conflict with the law in criminal justice is governed by the Criminal Code of Bosnia and Herzegovina²⁵. Normative basis governing the status of juveniles in criminal justice in the Federation of Bosnia and Herzegovina make the Criminal Code of the Federation of Bosnia and Herzegovina²⁶, the Criminal Procedure Code of the Federation of Bosnia and Herzegovina²⁷, the Law on Execution of Criminal Sanctions of the Federation of Bosnia and Herzegovina²⁸, Regulation on Application of Educational Recommendations to Minors²⁹, Rulebook on disciplinary liability of juveniles subject to non-custodial educational measures and those serving juvenile prison sentence³⁰ and Rulebook on implementation of educational measures and special obligations toward juvenile offenders³¹.

In Republika Srpska the Criminal Code of Republika Srpska³² is also implemented toward the minors and juveniles, as well as the Criminal Procedure Code of Republika Srpska³³, the Law on Execution of Criminal and Misdemeanor Sanctions of Republika Srpska³⁴, Rulebook on implementation of educational measures special obligations toward juvenile offenders³⁵, Rules

²⁰ Adopted in 1990 by the UN General Assembly, Resolution no.: 45/113 of 14 December 1990

²¹ Vienna Guidelines adopted by the Resolution of the UN Economic and Social Council, no.: 1997/30 dated 21 July 1997

²² "Official Gazette RS", no.: 13/10, 61/13 and 68/20

²³ „ Official Gazette of the BD“, no: 44/11

²⁴ "Official Gazette of the FBiH", no.: 07/14 i 74/20

²⁵ „ Official Gazette of BiH“, br.: 03/03, 32/03 - corrigendum 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 8/10, 47/14, 22/15, 40/15, 35/18 and 46/21 dated 27 July 2021 – Decision of the High Representative in BiH

²⁶ " Official Gazette of the Federation of Bosnia and Herzegovina ", no. 36/03, 21/04 - corr., 69/04, 18/05, 42/10, 42/11, 59/14, 76/14, 46/16 and 75/17

²⁷ „ Official Gazette of the FBiH“, no.: 35/03, 56/03 – corrigendum, 78/04, 28/05, 55/06, 27/07, 53/07, 09/09, 12/10, 08/13, 59/14 and 74/20

²⁸ „ Official Gazette of the Federation BiH“, no. 44/98, 42/99 and 12/09, 42/11

²⁹ „ Official Gazette of the Federation of Bosnia and Herzegovina“, no. 11/15

³⁰ „ Official Gazette of the Federation of Bosnia and Herzegovina“, no. 10/15

³¹ „ Official Gazette of the Federation of Bosnia and Herzegovina“, no. 10/15

³² "Official Gazette of the Republika Srpska", br. 64/17, 104/18, 15/21 and 89/21

³³ "Official Gazette RS", br.: 53/12, 91/17, 66/18 and 15/21

³⁴ „ Official Gazette RS“, no.: 63/158

³⁵ „ Official Gazette of the Republika Srpska“, no. 101/10.

on the Application of Educational Recommendations to Juvenile Offenders³⁶, Rulebook on disciplinary liability of juveniles subject to non-custodial educational measures and those serving juvenile prison sentence³⁷, Rulebook on organization of work and way of live of minors and younger adults serving juvenile prison sentence³⁸, Rules on criminal records³⁹, Guidelines on methods of keeping records on pronounced educational measures⁴⁰, Regulation on Application of Educational Recommendations to Minors⁴¹ and Program of education to acquiring of special skills and continuous professional training of professionals engaged in work with juvenile offenders and criminal protection of children and juveniles⁴².

In Brčko District of Bosnia and Herzegovina implemented is the Criminal Code of Brčko District of Bosnia and Herzegovina⁴³, Criminal Procedure Code of Brčko District of Bosnia and Herzegovina⁴⁴ and Law on Execution of Criminal and Misdemeanor Sanctions, Detention and Other Measures in Brčko District of Bosnia and Herzegovina⁴⁵.

³⁶ „Official Gazette of the Republika Srpska”, no. 101/10, 52/15.

³⁷ „Official Gazette of the Republika Srpska”, no. 101/10.

³⁸ „Official Gazette of the Republika Srpska”, no. 52/15

³⁹ „Official Gazette of the Republika Srpska”, no. 6/15.

⁴⁰ „Official Gazette of the Republika Srpska”, no. 66/12

⁴¹ „Official Gazette of the Republika Srpska”, no. 10/10.

⁴² „Official Gazette of the Republika Srpska”, no. 101/10.

⁴³ “Official Gazette of Brčko District of BiH”, no. 33/13 - consolidated, 47/14 - corrigendum 26/16, 13/17 and 50/18

⁴⁴ “Official Gazette BD”, br.: 34/13, 27/14, 03/19 and 16/20

⁴⁵ „Official Gazette BD“, 31/11

IV ANALYSIS OF CURRENT SITUATION IN THE INSTITUTIONS WHERE CHILDREN IN CONFLICT WITH THE LAW ARE PLACED

4.1. Institutions for the execution of juvenile prison sentence

Juvenile prison Istočno Sarajevo

Juvenile prison Istočno Sarajevo is the only institution for the execution of juvenile prison sentence for male offenders in Republika Srpska. It started operating in September 2008 as a part of Istočno Sarajevo Prison, but in physically fully separated facility equipped for this purpose. According to the obtained data⁴⁶ organizational structure of this institution includes five administrative divisions: security administration, treatment administration, economic instructions administration, health administration and legal, finance and general administration. Current profile of professional staff in the Institution is made up of: Head of Juvenile Prison Department Istočno Sarajevo, head of treatment, two educators, pedagogue, psychologist, social worker and law graduate.

Ombudspersons state that their previously issued recommendation to the management to hire a special pedagogue for work with the minors has not been implemented.

At the moment of preparation of this information, there were two juveniles serving the juvenile prison sentence. In respect of the criminal offences, it was one robbery, grave bodily injuries and intercourse with a child under the age of fifteen. At the time of visit⁴⁷ one juvenile offender was serving his juvenile prison sentence on the premises of the Juvenile Prison, while the other was on the premises of the Istočno Sarajevo Prison⁴⁸. This Institution, according to their claims, enjoys support of Ministry of Justice of Republika Srpska and has good cooperation with the local NGOs. The Institution participates in projects beneficial for future reintegration of the juveniles once they have their sentence served, and its role consists of co-ordination and motivation of the minors. Professional staff is available and at disposal every working day during working hours, after which the juveniles stay with security service members alone.

The Ombudsman's earlier recommendation that it is necessary to ensure the presence of permanently employed professional staff 24-hours a day, seven days a week, for work with the minors has not been implemented.

Employees of the Institution think that the accommodation is satisfactory. Having inspected the premises in which the juveniles are placed, Ombudspersons state that an increase in number of juveniles would put in question efficiency of their treatment. Hygiene of the premises used by the juveniles and the professional staff is done by the juveniles. The juveniles are getting food from the Prison and think that it is very good and adjusted to the needs of the juveniles.

⁴⁶ Data obtained from a questionnaire filled in on 11 August 2021

⁴⁷ On 22 September 2021

⁴⁸ On request of the minor the interview was held in the premises of Istočno Sarajevo Prison

According to data obtained from questionnaires the juveniles are informed of their rights and obligations immediately after their reception into the institution and are provided with a copy of House Rules. During their stay they have the rights to receive visits of their parents and other relatives at least once a week, and other persons and twice a month. They also have the right to a telephone call at least twice a week. Access to the library, television, radio and Internet under the supervision of the educator is also provided. In addition to that, they have the right to the annual leave and unlimited number of parcels. Juvenile judges and prosecutors do not visit juveniles placed in institutions, irrespective of their legal obligation⁴⁹.

Medical examination of the juveniles is done within 24 hours from the reception of the juvenile in the institution, and once a year the juveniles have a systematic medical check-up in the appropriate health institution, and the resulting health report is submitted to the juvenile prosecutor, juvenile judge and social welfare center in the place of residence of the juvenile. Twice a year a report on psychological status of the juvenile is prepared, but it is not submitted to the to the juvenile prosecutor, juvenile judge and social welfare center⁵⁰. The juvenile have fully provided primary health protection, also specialist examinations as necessary, as well as addiction treatment programs. The juveniles have at their disposal necessary space to keep their personal belongings.

According to the replies provided in the questionnaires, the pandemic caused by corona virus has not influenced to the implementation of the rights of the juveniles, and they could receive visits and carry out different activities. The Institution had sufficient hygiene supplies (face masks, gloves, disinfectants etc.) for health protection of the juveniles and the professional staff.

⁴⁹ The judge and the prosecutor should visit the juvenile placed in the institution for the execution of institutional measures at least twice a year, where, in direct contact with the juvenile and professionals involved in the execution of the measure, and based on the inspection of the relevant documentation, they determine the legality and regularity of treatment and assess the success achieved in the upbringing and proper development of the personality of a minor.

The persons referred to in paragraph 1 of this Article are obliged to inform the Ministry, as well as the institution in which the educational measure is carried out, about the identified faults and other observations. Having been informed by the judge or prosecutor, the Ministry, as well as the management of the institution in which the educational measure is carried out, are obliged to immediately carry out appropriate checks and take measures to eliminate illegalities and irregularities and inform the judge and prosecutor thereabout – Article 158 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings in Republika Srpska and 159 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings in the Federation of Bosnia and Herzegovina

⁵⁰ Article 127 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings in Republika Srpska and 128 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings in the Federation of Bosnia and Herzegovina: „The care of health of the juveniles placed in institutions for the execution of institutional educational measures or juvenile prison sentence shall be ensured in accordance with the accepted medical standards applied to the minors in general society. The juveniles subject to institutional educational measures or juvenile prison sentence shall undergo a systematic medical examination at least once a year performed by the appropriate medical institution. The report on the health status of a juvenile shall be sent to the judge, the prosecutor, the parent, the guardian or the adoptive parent of the minor, as well as the guardianship authority.“

(3) Particular attention is paid the needs of pregnant juveniles and mothers with babies, drug and alcohol addicts and juveniles with special needs.

(4) At least twice a year a report on psychological status of the juvenile shall be prepared and submitted to the judge doing supervision or has an insight in the execution of the juvenile sanction referred to in paragraph (1) of this Article, the prosecutor, the parents, that is, his guardian or the adoptive parent, , as well as the guardianship authority.

The juveniles have the right to complain⁵¹, but there was no any complaints in the previous two years.

Interview with children

During the visit⁵², from the interview with the management, the Ombudsman's team learnt that two adult prisoners are serving the juvenile prison sentence. However, during the inspection of the premises, one prisoner in the age of 22 was found, while the other was transferred from the Juvenile Prison Istočno Sarajevo to the Istočno Sarajevo Prison⁵³. According to the juvenile he knows about the nature of Institution in which he is placed and the reason for that, as he is familiar with his rights and obligations there. The interview also revealed that he has a positive attitude on the treatment methods implemented by the officials in the Institution, both the treatment and security administration representatives.

There is a sports ground available, but since he is alone, he does not use it. Available are also the books from the library, and a computer on which he can watch movies. He can also download the daily news, but does not use that service. The building in which the juveniles are accommodated is surrounded by green areas, neatly mowed, and, as he points out in the conversation, he is very happy to mow and arrange the building surrounding area. He had no objections regarding food, and pointed out that he had been consulted in this regard. Having been specifically asked about it, the juvenile stated that the staff from the security service admitted him upon his arrival that took place after 4 p.m.⁵⁴ He finished high school, but as he was not a good student, his reading skills are not good, so he is learning to read now with the assistance of the professional staff. The Ombudspersons have learnt from the conversation with the juvenile that there is no specific time dedicated exclusively to work with the professional staff members, but the treatment takes place in the period until lunch, once or twice a week. He can have telephone contact with his family from a pay phone located in the inner part of the building. Regarding the exercise of the right to health care, he states that he does not use the primary health care services, because he is healthy, but he was examined upon arrival at the Institution. He did not have any complaints about the provision of hygiene means, clothing and footwear,

⁵¹ Article 132 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings in Republika Srpska and Article 133 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings in the Federation of Bosnia and Herzegovina: „A juvenile who considers that he has been deprived of certain rights or that they have been violated, or other illegalities or irregularities have taken place during the execution of an institutional educational measure or juvenile prison sentence, has the right to complain to the head of the institution where the criminal sanction is executed. In respect of the complaint of a juvenile, the head of the institution in which the educational measure or sentence of juvenile prison is executed, shall issue a reasoned decision within three days rejecting the complaint as unfounded or determining that it has grounds in full or partially, in which case appropriate measures shall be taken urgently for redress of violations or deprivation of the rights of juveniles, or other illegalities or irregularities. The decision must contain an instruction on legal remedy available. A juvenile may, within eight days of receiving the decision, file an appeal against the decision of the head of the institution to the judge of the court supervising the execution of the educational measure, i.e. who has imposed a sentence of juvenile prison.“

⁵² On 22 September 2021

⁵³ On request of the minor the interview was held in the premises of Istočno Sarajevo Prison

⁵⁴ The institution denied this and stated that, in addition to security service members, the Head of Unit (LL.B.) and Head of Admission and Discharge Unit (B.Ed), were present when the minor was admitted to serve his sentence;

that is, he brought everything with him, but if he does not have something, he can always get what he needs from the Institution.

Interview with administrative and technical staff

During the visit an interview was held with the employees⁵⁵ who pointed out that the security administration includes certified police officers with more than ten years of experience. The staffing structure is good, members of the security service regularly attend seminars within the Ministry of Justice and other institutions and have adequate training for the protection of the rights of the juveniles. Interpersonal relations are good, the security and treatment administration are sufficiently staffed, and the Institution operates within the budget framework. Systematization of work positions is adopted, and all positions are not filled, but it does not hinder the regular work process. The Institution itself is specific, because it includes several institutions that are in the same place. The security service works in shifts so that from 16.00 to 07.00 in the morning, the minors are left alone with a member of this service.

At the time of the Covid-19 pandemic, the Institution had enough hygiene means and disinfectants, a part was provided by the Istočno Sarajevo Prison, and a certain amount was provided by the competent ministry. They think that the conditions for stay of children in this Institution are good, because they have a large yard and can spend time breathing the fresh air. Food provided to minors is excellent food because their business unit produces a large number of domestic products (beef, pork), and the food is at an enviable level, and some specific dietary requirements can be accommodated if necessary, such as the food adjusted to religious fast or diabetes. The advantages of working in this Institution are good interpersonal relations and the way these relations function at all levels, regular salary, stable income, which enables the realization of some other rights, such as buying in installments, taking a loan. The existence of their business unit which, in accordance with the Law on Execution of Criminal Sanctions, makes payments to other entities, means that the funds earned by that unit can be invested, which they do, for example, they purchase hygiene items, underwear, clothes for women.

Among disadvantages of the work in the Institution is obsolete monitoring equipment and the employees think that it should be renewed.

Interviews with professional staff members

During the visit of the staff of the Ombudsman, a conversation was held with the members of the expert team consisting of the assistant director for treatment, pedagogue-psychologist, social worker, psychologist and pedagogue.

There are two psychologists, a social worker, a pedagogue employed in the Institution, in addition to two more pedagogues within the treatment administration, one of whom is the head of the release department and is directly involved in the work of the juvenile prison. They do not have a separate department engaged in the admission and release of juveniles, i.e. they have a

⁵⁵ Commander of the external and internal security service Aškraba Ognjen, police officer Radmilo Kovač and Jelenko Motika, a lawyer

department for the admission and release of prisoners while serving their sentences. Therefore, employed are the head of the release department and the expert team and they are in charge of the women's prison department, the Juvenile Prison and the Prison for male adults. They believe that each of the professional staff members is maximally involved in their work, and it is not uncommon for them to perform activities that go beyond the areas defined by their job descriptions, through post-penal engagement, in a way to help the beneficiaries to exercise their rights. They think that they are professionally capacitated to respond to the required work tasks, and they believe that working with the juveniles requires, not only certain qualifications, but also a subjective sensibility for their problems (illiteracy, coping with some traumas, treatment activities). They have concluded contracts with schools, but at the time of the visit they did not have any juveniles going to school. Education is carried out in accordance with the Law on Adult Education. They check the educational status of a person serving the sentence, and then the Institution applies to a school that is legally obliged to provide the adult education (for instance the School „28 June“, and sometimes another local school). After that, the Institution organizes classes in such a way that teachers come to the Institution, where teaching is taking place at the level of primary or secondary education. The practical part of teaching is done within the Institution, within the Institution's workshop, restaurant, laundry, and depending on the needs of users. Contracts have been concluded for attending language courses, German language, English language, or basic informatics course. Every activity in the Institution is supervised by an instructor, regardless of whether it is an adult or a minor, and the instructors must have passed the instructor's exam at the Ministry of Justice. At the end of the courses, certificates are awarded where it is not stated that the course was completed within the Institution, but it looks as if they had attended it regularly.

Asked if they had recruited a special pedagogue in the meantime, as recommended by the Ombudsman in their previous Report prepared in 2018⁵⁶ they reply that given the small number of juveniles (they did not have minors until two months ago) who are serving their sentences and the overall functioning of the Institution, there was no need for a special pedagogue.

The fragmentation of the prison premises and spaces is seen as a problem. Regarding the conditions of accommodation, the professional staff considers it satisfactory, convinced that the conditions of accommodation here are better than those in places from which the minors come. However, during the visit, the Ombudspersons identified the heating as extremely poor, given that the premises are heated by TA furnaces, which is not sufficient to adequately heat the space.

Minors spend most of their time outdoors, in the front yard, but they mention the problem of group work, because their number is small and it is not possible to organize collective sports. In working with a minor, they try to find solutions within post-penal reception at another address, try to find them a job, provide a livelihood and reduce negative impact of the family, if that is the case. Asked whether the needs of the beneficiaries are identified from the conversation with them or through a questionnaire, the psychologist states that there is a questionnaire with 7-9 criminogenic needs, but believes that the best way is asking the beneficiary (e.g. if a minor has 2 grades of primary school, the question is whether he thinks that education is necessary and

⁵⁶ Ombudspersons of Bosnia and Herzegovina have issued a recommendation to take necessary steps to ensure the employment of a special pedagogue for work with the juveniles

would life be easier if he had necessary education). The most common treatment method, according to psychologists, were control treatment and regulation of emotions, then a change in social attitudes, a change in antisocial attitudes, a program for addicts - psychological education about psychoactive substances.

An insight into the personal file of the juvenile, revealed that it contains the Sentencing Plan with the following data: activities - work engagement, deadline, family relations, sports activities, cultural and educational content, individual work, note on the implementing party of the activities, group work within the Department (so in the initial phase of serving the sentence this activity will not be implemented), a social skills program, and the Plan is signed by the juvenile and the educator. The file contains a document - The Risk assessment and the Prisoner's needs - a form that is filled-in for each prisoner coming to serve his sentence and it includes an assessment of the risk of recidivism, whether he has previously committed a crime, needs assessment in terms of the type of persons he socializes with, his family profile, everything that concerns his personality, on the basis of which the prisoner is classified in the category (low, medium and high). In addition, the file contains the Proposal made by the Treatment Administration on the treatment program (comprehensive), and an assessment of the level of post-penal assistance.

Professional staff also talked about the treatment work with minors. They state that all activities start after the interview with the Admission Department, staff members with the beneficiary when they collect information about the minor. They emphasize that they receive a referral act even before the admission of the minor, and they are informed about the case through the documentation.

The treatment is based on a form for the assessment of criminogenic needs and risks derived from the criminal history, which identifies what factors brought the juvenile to the Institution (social needs status, lack of education, family circumstances, addiction), what are the dynamic and criminogenic needs, which factors can be influenced. Individual plans were previously made without the involvement of minors, but it soon became clear that activities could not be implemented if both parties did not agree, and now all treatment plans are made so that the minor agrees and signs together with members of the expert team. The minor is involved in the creation of individual plans copy of which is handed to him, while the parents are introduced to the activities. They especially point out that the implementation of individual plans is followed-up, and that changes cannot be expected in the first months, especially when it comes to the beneficiaries who will spend several years in the Institution. Implementation is assessed every 3-6 months (in some cases, e.g. death - the individual plan is immediately revised in crisis situations). They state that psychologists use cognitive-behavioral techniques and the programs they apply are mostly based on it. When asked which forms of individual professional support are available to the beneficiaries, how they are implemented and in which time intervals, they state that they are implemented on a daily basis, and that they are individual, directive, non-directive, supportive. Also, the professional staff points out that there are programs of non-violent communication, assertive training, treatment training for independent living, a program aimed at post-penal protection.

Work in the Institution is organized on working days from 07.00 to 15.00 for the Treatment Department staff, while on weekend days they have two-hour duty shifts (Saturday and Sunday) and whenever necessary, due to unforeseen situations. Each department has its own plan of daily activities which is harmonized with the general plan of activities. The day of juveniles is fulfilled completely, and the realization is monitored (a small number of minors enables close monitoring). Notwithstanding this fact, the Ombudspersons consider that the presence of at least one member of the expert team (staff) is always necessary.

Also, they state that the training of professional staff is not sufficient, although every year mandatory trainings are organized in the institution itself. Adequate health care is provided in the Institution and mandatory systematic medical check-ups are organized (they have one permanently employed general practitioner, as well as two nurses).

As already stated in the research methodology and based on previous agreement, the draft report was submitted to all institutions for their comment prior to completing the final report. Istočno Sarajevo Juvenile Prison provided their comments and remarks within the given deadline.⁵⁷

Recommendation of the Ombudsman

Ombudspersons of Bosnia and Herzegovina recommend to the Ministry of Justice of Republika Srpska and Istočno Sarajevo Prison to:

- Ensure 24-hour presence of permanently employed staff members during all 7 days a week for work with the juveniles.

Deadline for the implementation of the recommendation: one year.

⁵⁷ In its submission no 08/1.04/240-1473/21 dated 3 December 2021, the semi-open Istočno Sarajevo Correctional Facility states as follows: "In line with the IHROBiH recommendations from December 2021 addressed to Istočno Sarajevo Correctional Facility, as well as other institutions you have visited, the recommendation is to ensure a 24/7 presence of permanently employed professional staff when working with minors. With regard to that, in case night shifts are organised for professional staff, the presence of minimum five employees needs to be ensured which, given the gender structure, job descriptions, professional qualifications, is very difficult to do. Therefore, the issue of whether having night shift for professional staff members (counsellors, psychologists, social workers) in a ward where there is one minor at the moment can function and has any purpose. In addition, you know that entering convicts' dormitories between 22.00 hrs and 6.00 hrs without any specific reason is not permitted. The work of professional staff is already organised until 22.00 hrs. In its submission no 08/1.04-240-1806/18 dated 28 December 2019, Istočno Sarajevo Correctional Facility stated that we were planning to refurbish the living room for minors, which has meantime been done and which you have been informed of in our regular reports on recommendation implementation. The minors' living room has been equipped with the following: TV set, dresser, office desk and chair, wall newspaper, bulletin board, table with chairs, paintings, ornaments and board games. On the facility's ground floor, there is a kitchenette with an electric stove, refrigerator and kitchen cabinets. It might be important to stress the fact we discussed during your visit, which is that there for a long time there has been one (or no) minor serving his sentence and he uses the living room rarely. He spends his time in the computer room, workshop, kitchenette (preparing coffee, tea, salads, pancakes, even sweets with fruit from the orchard and preserves from vegetables from the greenhouse...), outside or in his room. He even prefers watching TV in his dorm, which is allowed. The situation would definitely be different if there were more of them, in which case the living room would have a completely different purpose and would be used differently. Therefore, we deem this objection ungrounded. During the visit, we also discussed the quality of heating in the facility and did not get the impression the users, both the minor serving his sentence and the employees, had any objections to that. We deem the comment concerning whether the heating bodies are connected to electricity or gas supply network or another centralised heating system irrelevant, given that all rooms in the facility are heated adequately to the temperature and needs. We also find this objection ungrounded.

- Equip the living room with furniture adjusted for the stay and use by the minors and to provide better heating of the whole building (central heating, heating of all premises)

Deadline for the implementation of the recommendation: three months.

- In their work, to ensure that daily schedule of activities be structured in a way that treatment activities - workshops and sections - be mandatory, including learning foreign languages, computer training and use of basic programs, photo cameras (organizing photography courses) and the like.

Deadline for the implementation of the recommendation: At once.

Department for the Execution of Juvenile Prison sentence and Educational-Correctional Department within the semi-open Orašje Prison

Pursuant to a decision passed by the Government of the Federation of Bosnia and Herzegovina⁵⁸ the execution of juvenile prison sentence was established within the semi-open Orašje Prison. This decision defines that the juveniles sentenced to juvenile prison under judgments adopted by the courts of the Federation of Bosnia and Herzegovina serve their sentence in a special Department for Juveniles within the semi-open Orašje Prison. Another by-law passed by the Government of the Federation of Bosnia and Herzegovina, in Article 11, paragraphs 2 and 3 of the Rulebook on criteria for referral of sentenced persons to serve their prison sentence⁵⁹ it is prescribed that juvenile male offenders sentenced to serve juvenile prison have to be referred to semi-open Orašje Prison - Department for the Execution of Juvenile Prison Sentence for which are competent courts in the Federation of Bosnia and Herzegovina, while persons of both sexes sentenced to the execution of educational measure referral to the educational-correctional facility for which are competent courts in the Federation of Bosnia and Herzegovina have to be referred to the Educational-Correctional Facility. By these by-laws the Government of the Federation of Bosnia and Herzegovina has established two departments within the semi-open Orašje Prison. These are Department for the Execution of Juvenile Prison Sentence and the Educational-Correctional Facility. For that reason, in their earlier report Ombudspersons referred to these two departments of the semi-open Orašje Prison as one institution. In that Report it was clearly indicated that both departments are located in the same area, surrounded by the joint wall and treatment is carried out by the same professional staff members, and that security staff is also the same. The juveniles from both departments maintain mutual contacts.

The Ombudspersons state that even three years after⁶⁰ these two departments cannot be seen or presented as separate for the same reasons listed in 2018. At the same time the Ombudspersons indicate that in 2018 the Federal Ministry of Justice and the Orašje Prison management were recommended to fully separate, in sense of space and staff engaged, the Department for the Execution of Juvenile Prison Sentence and the Educational-Correctional Facility. This recommendation has not been implemented. Compared to situation found in 2018 there are some differences which will be presented below.

⁵⁸ Order of the Government of the Federation of Bosnia and Herzegovina adopted at its 138 session held on 08 February 2021 and published in the Official Gazette of the Federation of Bosnia and Herzegovina no.:11/18

⁵⁹ Official Gazette of the Federation of Bosnia and Herzegovina no.: 33/18

⁶⁰ Last visit of the Ombudsman took place on 20 June 2018 and for purposes of this Report on 14 September 2021

Spatial resources are still good, as it was also the case in 2018, even improved as there are two fully new buildings, one is used as the Educational Center, and the other is a fully equipped sports hall. The Ombudspersons would like to highlight that these newly built facilities are located outside the premises (outside the fence) of the Educational-Correctional Facility and the Juvenile Prison.

According to the data provided by the Institution⁶¹, Orašje Prison has 61 staff members, out of which 29 employees in the facilities in which are place children in conflict with the law. There are eight male and two female juveniles in the Educational-Correctional Facility, and six juveniles in the Juvenile Prison. As for their ages it varies between 17 and 22 in the Educational-Correctional Facility, and from 18 to 23 for those in Juvenile Prison. The committed offences involve murder, aggravated theft, robbery, violent behavior, possession and enabling the use of narcotics, domestic violence, confiscation of other people's movables, sexual intercourse with a child, incest, infanticide committed by those in the Educational-Correctional Facility and sexual intercourse with a child, murder, attempted murder and aggravated theft for those in the Juvenile Prison.

The management of the institution states that all projects are implemented through the Federal Ministry of Justice and that they have the support of the Government of the Federation of Bosnia and Herzegovina, while there is no cooperation with local NGOs. As a good example of support of the authorities in the projects, they especially point out that new buildings were constructed from the European Union funds within the Educational Correctional Facility, namely the Education Center (school, i.e. classrooms and workshops) and the gym. So, these are completely new and modern built facilities, but the Education Center is still not used, because the classrooms and workshops are not equipped. The Ombudsman is of the opinion that the Education Center should start working immediately, having in mind the importance of education in the treatment of minors, in fact the obligation of all of us to provide minors with the best possible education. In support of this, it should certainly be pointed out that juveniles are educated in the Prison in a way that they receive both questions and answers at the same time and then study it to take exams (so-called instructional teaching⁶²). Unlike the Education Center, the newly built gym is fully equipped and now minors have the opportunity to play football, volleyball and basketball.

The Ombudspersons have earlier expressed their concerns for the fact that the professional staff members spend only eight hours a day with the juveniles, during the week days, which they consider to be not sufficient for the attaining the purpose of sentencing. Now the Ombudspersons state that the situation is still the same and this work regime is still implemented.

As mentioned earlier, the space resources in Orašje are good⁶³, and while appreciating these good spatial resources, in 2018 the Ombudspersons invited the management of Orašje Prison to

⁶¹ Data obtained from the Questionnaire filled-in on 18 August 2021

⁶² Facts to which the minors turned attention of the Ombudsman this time as well as the last time, they say that they have the assistance of professional staff members in preparation of the exams, but we believe that, irrespective of the efforts of the educators, this is not a good quality education.

⁶³ As stated earlier in the 2018 Report on implementation of recommendations issued in the document titled „Analysis of situation in the institutions accommodating the minors in conflict with law in Bosnia and

explore the possibility to organize work of a canteen in the Educational-Correctional Facility and the Juvenile Prison as well.

The Juveniles are not satisfied with the canteen⁶⁴, as it is physically placed on the premises of Orašje Prison, where they cannot personally go, but can only choose the items from the list. They are not satisfied with the assortment and the prices of the items in the canteen, emphasizing that the prices are considerably higher. Irrespective of earlier suggestions of the Ombudspersons in sense of improving this situation, nothing has been done in this direction.

Unlike the above example, the Institution fully accepted the Ombudsman's suggestions to "engage minors in the maintenance of all rooms and buildings in the perimeter, not only the rooms where they stay and sleep", which was confirmed by all minors in the conversation.

In 2018, given the amount of the funds invested, the Ombudspersons called on the „Federal Ministry of Justice and the management of the Orašje Prison to consider every possibility to use the kitchen as a part of work occupation of the juveniles by designing their engagement there so that they cook and take care of the hygiene and cleanliness of the kitchen and dining room. For the same purpose, the authorities are invited to devise a way for minors to undergo appropriate culinary courses or training with the help of a cook-instructor.“ This proposal of the Ombudsman was not accepted and implemented and three meals for juveniles are made in the Prison kitchen and then sent, i.e. delivered to the kitchen located in a separate building within the Juvenile prison and Correctional facility.

In 2018, the Ombudspersons called on the Federal Ministry of Justice to support the Orašje Prison in material way and provide the institution with a sufficient (larger) number of computers in order to design the work of the IT section. During the visit, it was noticed that the room with computers is well equipped, that there are eight computers, but the computers are donated by the UNICEF Office in Bosnia and Herzegovina.

According to the Questionnaire, the staff members are satisfied with the cooperation with the social welfare centers, because the centers maintain contact between the juveniles, their families and the Institution, work with the juveniles to prepare them for release, etc. Judges visit juveniles at least twice a year, but not all judges. Asked if there are any new trends, this Institution answered in the affirmative that they have in the Institution the minors - migrants who have learned our language. Minors have the opportunity to receive visits by their family members at least once a week, and twice a month visits of other persons. They can also use annual leave and have the opportunity to receive unlimited number of parcels. They exercise the right to use the phone at least twice a week, have access to the library, radio and television, but do not have access to the Internet. The juveniles spend three hours outdoors. Their educational profiles are that there are some with and some others without completed primary school in addition to those who are currently attending secondary school or have already completed it. Upon their

Herzegovina”, but this is also pointed out in the Questionnaire received on 23 August 2021, filled-in by the Expert Associate for Legal Issues of the Institution

⁶⁴ This fact was mentioned in the previous report from 2018

admission, they are informed of all their rights and provided with a copy of the House rules. According to the data obtained from the questionnaire, the medical examination is done within 24 hours of admission, once a year a systematic medical check-up, and the findings are submitted to the judge, prosecutor, parents and social services, and twice a year a report on the mental state of the minors the report is submitted to the judge and the prosecutor for juveniles, parents and social welfare services. Minors are provided with health care, namely primary health care, and they are also provided with specialist services and there is a possibility of their inclusion in the addiction treatment program.

The right to privacy is implemented in a way that juveniles are enabled to store all their belongings they see valuable in a safe in the Institution and to take it back once they finish the treatment. These are things that are not allowed to be kept according to the House Rules and they are stored in a safe or deposit, and the allowed things can be kept by the juveniles. According to the Institution, the pandemic caused by the Corona virus did not affect the realization of the rights of minors, the children had the opportunity to receive visit and they were provided with all protective medical supplies (gloves, masks, disinfectants). Minors have the right to complain, as they state, but there was no any complaints explaining that there was no written complaints, but the minors orally pointed out the possibility of some changes in the treatment, and the treatment service respected it.

Interview with children

During the visit to the Orašje Prison, the Ombudsman's staff spoke separately with juveniles who were sentenced to a correctional facility, with females, and males separately, and then with juveniles sentenced to juvenile prison.

From the interviews with the juveniles, the Ombudsman representatives have learnt that some of them were placed in detention for which purpose the capacities of the Cantonal Educational Center were used to carry out the detention measure imposed on the juvenile, which should be praised. The Ombudsman insists that the authorities keep using the facilities of the Educational Center of the Sarajevo Canton and the Institute for the Education of Male Children and Youth Sarajevo for the execution of a detention measure or to use the mentioned institutions for diagnostics and observation during the preparatory procedure.

The interviews with the juveniles have, more or less, confirmed the claims of the management of the Institution. What makes the Ombudspersons especially satisfied is that significant shifts were noticed in the daily work with juveniles, which is much more clearly structured compared to the previous period. This is necessary having in mind the purpose of the criminal sanction in general. It is extremely commendable that the laws and bylaws related to benefits and disciplinary procedures against minors are implemented consistently, which is also confirmed by the juveniles who know exactly in which classification group they are and the reasons for that. Many of them pointed out that they are not satisfied with the food, that they have to buy water that is expensive, as well as other products from the canteen located in the Prison. There were no complaints about the provision of basic means for hygiene, clothes and shoes, although they state

that they provide everything themselves and that it is the best. Minors are happy to have the opportunity to play sports because they have a gym. They confirmed in the conversation that they use the hall at a certain time every day. It is also quite clear that they are extremely pleased that the Institution has recently hired a physical education teacher, and everyone has assessed it as positive. They also consider it positive that they maintain their premises and all the premises in the perimeter, they want to work, to make their day go by faster, and they can earn something. From the conversations it can be concluded that they have workshops and sections, but not often and not every day. The Ombudspersons emphasize that the Institution has a well-equipped room with computers and in this regard it should be considered, although minors do not have Internet access, that children during their stay in the Institution be trained to work on computers to know the basics - how to turn on and off the computer, how to use Word etc. - or learn foreign languages. The pandemic caused by the Corona virus has certainly contributed to an almost complete reduction of organized cultural, sports and other activities in the Institution, and this is why the Institution must include various workshops and sections in their daily activities schedule and strictly adhere to it. Minors do not have access to the Internet, but they do have access to the library, although they feel that it is not enough and they are not satisfied with the available books. They have access to television and radio and daily newspapers. There were also some objections as to the exercise of the right to health care by minors and the fact that some health services which they explicitly require, but cannot be provided by the permanently employed medical staff, must be provided outside the Institution or so-called external associates. The Ombudspersons believe that this practice should be avoided. Minors believe that systematic medical check-ups should be more comprehensive and of a better quality, and they think that it would be good to provide them with more examinations and interviews with psychiatrists, and not to downsize the check-ups only to prescribing the therapy or copying the prescriptions given earlier. The established practice that the juveniles should address a permanently employed nurse in writing when they have certain health problems is not acceptable at all, and this practice has only been observed in this Institution. There were also several complaints about the violation of rights during religious ceremonies, and in that direction the Institution is called upon to take all necessary measures whenever necessary in order to fully ensure the freedom of thought, conscience and religion of minors and thus ensure religious tolerance. When it comes to education, they juveniles are enabled to exercise this right, but they think that their "school" is too easy, that is, before sitting an exam, they receive prepared questions and answers. The Ombudspersons believe that this fact is extremely worrying and certainly has no positive effects on the treatment itself. It was also established that minors do not have a certain time dedicated to studying during the day, which is also not good and is not in the interest of children. During the conversation, it was clearly pointed out that minors have communication with their families as required by positive regulations, although, for example, they have objections to the price of telephone calls. Visits by family members are also possible, and they are aware that when they behave well, they have the opportunity to communicate with other people from their community, such as friends. When it comes to visits of professionals (judges, prosecutors, representatives of the social welfare centers), it was noticed that these visits are somewhat absent, which is confirmed by the Institution staff as well.

From the interviews with the juveniles the Ombudsman's staff have learnt that there are cases that the measure of referral to the educational-correctional facility were imposed on the juveniles for time period of four or two years. These facts are confirmed. Such court decisions are not harmonized with the legal provisions, as they are not in the best interest of the child and can have negative impact to the treatment as it could happen that the minor do not have a motive for good behavior in order for the court to consider the suspension of the pronounced sentence or its replacement with another one if it is clear from the beginning that the court would not do it, and that the duration of the sentence has already been determined. We remind at Article 42 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings in the Federation of Bosnia and Herzegovina which provides that the *Court pronounces a measure of referral to the educational-correctional facility to a minor when it is necessary for them to be excluded from the surrounding community and when intensified supervision and professional re-education programs need to be applied. In deciding whether to impose a measure, the court shall take into account the previous life of the juvenile and the degree of behavioral disorder, the gravity and nature of the crime and the circumstances such as whether the juvenile was previously sentenced to an educational measure or juvenile imprisonment. The juvenile shall remain in the correctional facility for a minimum of six months and a maximum of four years, provided that the court considers every six months whether there are grounds for suspending the execution of this measure or for replacing it with another educational measure...*

It is generally assessed that juveniles are satisfied with the work of educators and there is no doubt that educators are involved in work with minors. However, it is not appropriate, and do not serve the purpose of treatment, that children must address the educators in writing asking for an interview and this practice is only observed in this Institution. Also, the Ombudspersons reiterate their opinion that it is necessary, exclusively for the purpose of treatment, to ensure the presence of at least one member of the professional team/staff because, in the Ombudsman's opinion, it is unacceptable that, for example, a minor is left alone in the ward, locked up and without an educator on duty and members of the security service. It is quite clear from the conversations with minors that the atmosphere in this Institution has improved compared to 2018, and it is especially important that there are no major problems among children. However, several juveniles reported that there was corporal punishment by the guards, and that the isolation, that is, solitary confinement is used to discipline them. In addition to that, they claim that there is possibility of bringing the psycho-active substances, all of which is absolutely inadmissible and prohibited. Minors confirmed that they are separated by departments, since ones are serving juvenile prison sentence, while others serve criminal sanctions – institutional measure of referral to educational-correctional facility, but they are together at sports activities or workshops, or sections.

Interview with administrative and technical staff

The security service of the the Educational-Correctional Facility and the Juvenile Prison Department consists of 20 guards, 17 male and three female. The treatment service consists of two educators, a psychologist, a lawyer and a social worker. The health service employs one nurse, who is constantly available to minors. A janitor is employed to maintain the Institution. The Rulebook on the disciplinary responsibility of minors clearly prescribes the sanctioning of

minors for violation of discipline in the Institution. In the previous year, the security service organized 3 searches of the premises and belongings of minors. During one of these controls, a certain amount of drugs was found, following which disciplinary measures were implemented against six people. Apart from this event, the discipline in the Institution is at a satisfactory level. The facility is covered by video surveillance, except for certain parts such as dormitories, therefore the grouping in dormitories is not allowed for security reasons. In the last two years no case of a physical assault on the employees was recorded. Guards wear uniforms, while weapons are not allowed in the area of the Institution, except in the case when a person who is to serve a prison sentence is being brought in or out. The use of physical force and means of coercion by the guards is allowed only as a last resort, and until then the juvenile is treated as envisaged within the treatment program. The guards work in shifts (12/24), with four male and one female guards on duty at all times. The guards have the necessary certificates to work with minors. Professional and administrative staff work regular working hours from 8 am to 4 pm. There is a reasonable need to hire an additional cook so that newly equipped kitchen with the restaurant be functional. The current number of employees in the security service meets the needs of the Institution, but in order for the Institution to function at the highest possible level, it would be desirable to employ another couple of guards. A decision is made on the conclusion of employment, termination of employment, or annual leave. Employees are assigned to pay groups based on their education and the work they perform, accurate records of working hours are kept, and at the end of the month, salaries are calculated. Half of the salary is paid into the minor's savings book, and the remaining part of the salary can be disposed of by the minor under the supervision of an educator.

Once a week a doctor engaged under a service contract visits the Institution. If the need arises, the doctor comes more often, especially at time of the admission of new minors. After the admission, the doctor carries out an examination and determines whether it is necessary to introduce a certain therapy or continue with the previous therapy. The drugs used in therapy are predominantly: antipsychotics and antidepressants. Psychoactive substance users generally use the therapy for a short period of time, after which the treatment service includes them in physical and work activities, which has proven to be very useful in addiction withdrawal. Currently, three people are under therapy for night period, and one person uses the therapy in the morning and afternoon. Juveniles have regular every six months and annual systematic medical check-ups. If necessary, they are taken to the dentist or to the specialist doctors outside the Institution. There were no cases of self-harm recently. Juveniles have a daily and weekly activity plan. They get up at 7:00 AM, they have 15 minutes to finish their hygiene, after that they go to the canteen, where they can drink tea and coffee. Breakfast is at 8:00 AM. After breakfast they return to their rooms to take what they need, after which they start daily activities as foreseen by their treatment schedule or go to work, if they have work engagement. On weekends they rest, and have the opportunity to sleep longer, since they do not have any activities within their treatment plan. There are boxes for complaints about the work of the staff in the Institution. Each collective has its own representative, who makes a written request and informs the head of the Institution or the supervisor about the topics they should discuss. After the request is made, meetings are held in the collective. Most often, they request to be allowed to play games more, or to purchase additional furniture, celebrate birthdays, holidays, etc. The Institution regularly reports on the issues related to treatment to the competent social welfare centers,

courts, prosecutor's offices, and parents. Cooperation with parents is mostly seen as very bad, i.e. almost absent completely. As advantages of the work in the Institution, the employees mention: accommodation capacities and living conditions which are very good, the fact that all persons are involved in the teaching process, interpersonal relations of employees which are extremely good, team work, openness of the work with the beneficiaries. As disadvantage they mention the lack of independence of the Institution, which prevents them to create better conditions for work with the beneficiaries. During the pandemic, the Institution had a sufficient amount of protective means (masks, gloves) and disinfectants, which were provided to them from the Prison. The work of the Institution was harmonized with the recommendations and orders of the Covid-19 Crisis Response Team, so that no cases of infection were recorded.

Interview with professional staff

During their visit to semi-open Orašje Prison the Ombudsman's team had an interview with the expert team members employed in the Department for the Execution of Educational Measure Referral to Educational-Correctional Facility and the Department of Juvenile Prison. The staff structure of the professional team includes a psychologist, two educators, a social worker and a trainee in the area of physical education. During the interview, the staff expressed their satisfaction with the work in the Institution and their general impression of it is positive. Regarding the infrastructure and technical equipment of the Institution, they think that it is at a satisfactory level, yet there are always problems such as the lack of sports equipment, equipment and aids, which is necessary for teaching. They also think that it is necessary to hire an associate in the future who will hold instructional classes and that they need to have their own cook. When it comes to the professional team/staff they consider their interpersonal relationships as more than satisfactory, they work as a team, all things are agreed together. The fact that the team consists of the young people they see as an advantage and believe that it is helping in work with the juveniles, they think that it is better than having an older team. As a shortcoming, they mention the lack of supervision and additional training, especially in the field of behavioral disorders, aggression, exchange of experiences with other experts, etc. They believe that the treatment would benefit from, for example, cooks, instructional teachers, computer experts, etc., so that juveniles can be trained for various occupations or learn foreign languages. In their work the professional staff members apply a multidisciplinary approach. When asked about their general impression of and their assessment of the functioning of the judicial system when it comes to juveniles in conflict with the law, the professional staff members state that they often have a problem with referral to correctional facilities where children can be sentenced to six (6) months up to four (4) years, and the courts refer them to a year and two months and this creates a problem for other beneficiaries and the professional team members in the work because he (the minor) knows exactly when he would be released, while for the others every six (6) months the judge reviews the justification of further implementation of that educational measure, with which review their experience is not positive. As for the education, there is a signed agreement with the elementary school "Vladimir Nazor" from Odžak, that the professional staff prepares them for teaching process, go with them through the teaching units and then take them to school. When it comes to high school an agreement is being prepared with Center for the Education of Adults in Gračanica. They claim that they tried to establish cooperation with the local high school, however they did not get approval because the parents protested thinking that the children from

the Institution would create a problem. They see as a problem the lack of instructive classes, i.e. professional training, or non-issuance of certificate to prove that they had attended the training. During the working days the juveniles regularly participate in certain activities. School program is only theoretical since the Institution does not have the capacity to carry out practical training. They hope that following the putting the Education Centre in function the juveniles will have the opportunity to gain some practical experience in different vocations. On weekends the juveniles are mostly free. As for school activities they are organized so that they get some homework to be done over the weekend. Weekends are also time for visits. According to the applicable Rulebook on the use of privileges, the juveniles are entitled to institutional/custodial incentives and earned privileges - IEP (work engagement) and non-institutional IEP (going out to the town, free weekends, annual leave). Due to the current epidemic situation the use of IEPs outside the Institution is not allowed, so that the persons who work in prison use their annual leave within the Institution, but they are free of work for that period.

According to the staff, the hygiene of the Institution's premises and the rooms where the children/beneficiaries stay is maintained by them. Minors and parents participate in the development of individual plans and can express their opinion. Minors are given a copy of an individual treatment plan, and parents are asked on their first visit what they think of the goals that their child should meet. They state that lately they have been working a lot with their parents, they call them, asking if their children contact them. Juveniles can maintain contacts with their family members by phone/payphone within the Institution. Minors have a daily rest, which is based on an individual plan or plan of daily activities. It is foreseen that they have a morning rest, after school, after treatment, shortly after each activity envisaged is a period for rest. Prior to the emergence of COVID - 19, they could use their annual leave outside the Institution, now they use them within the Institution (but exempted from work - occupational engagement). The termination of stay/treatment occurs depending on the degree of re-socialization, and the achievement of the set treatment goals. Indicators relevant to the assessment are adopted work habits, social skills that did not exist, communication with staff, education, use of IAPs outside the Institution. That is, someone who used the IEPs a couple of times outside the Institution, for instance gradually for two days each time and everything went fine, this indicates that he can be released on parole. Also, juveniles are granted IEPs defined by the Book of House Rules.

The work in the institution is organized on weekdays from 8 a.m. to 4 p.m., on weekends there is no professional staff, i.e. no treatment activities are carried out, except in emergency situations. A treatment service is available when needed. The employees consider their professional training as insufficient, because they have to pay for seminars they are invited to from their own resources, and very often they are not able to attend them. They believe that visits to other institutions of a similar type in the neighboring countries would be useful for exchange of work experiences. Advancement in the service is limited by the existing systematization of work positions. There is a need for more equipment for work with children, especially certain paraphernalia for sports activities. It would be desirable to procure one power generator, which would be useful in case of power cuts.

The management of the Institution and the competent Federal Ministry of Justice did not modify the regime of professional staff engagement in response to the Ombudsman's concerns, and on this occasion Ombudspersons reiterate their concern with the fact that professional staff stays with minors only eight hours a day, which they consider insufficient to achieve the purpose of the sanction.

When it comes to the impact of the Covid-19 virus pandemic, the expert staff states that the situation did not affect their psychological state.

Recommendations of the Ombudsman of Bosnia and Herzegovina

The Ombudspersons recommend the Federal Ministry of Justice and the Orašje Prison management to:

- fully separate, in sense of space and staff engaged, the Department for the Execution of Juvenile Prison Sentence and the Educational-Correctional Facility from the Orašje Prison and after that to separate also the Department for the Execution of Juvenile Prison Sentence from the Educational-Correctional Facility.
 - fully equip and enable the functioning of the Education Center, which would contribute to the quality of education of children, strengthen the effects of treatment thus achieving the purpose of its construction from donated funds.
 - Having in mind the invested funds, Ombudspersons reiterate their recommendation to the Federal Ministry of Justice and the management of Orašje Prison to consider every possibility to use the kitchen as a part of work occupation of the juveniles by designing their engagement there so that they cook and take care of the hygiene and cleanliness of the kitchen and dining room. For the same purpose, the authorities are invited to devise a way for minors to undergo appropriate culinary courses or training with the help of a cook-instructor
- Deadline for implementation of the recommendation: one year.

The Ombudspersons recommend the Orašje Prison management to:

- Ensure full application of Article 155 of the Law on Protection and Treatment of Juveniles in Criminal Proceedings of the Federation of Bosnia and Herzegovina, which prohibits disciplinary measures including denial of work, reduction of food, restriction of juvenile communication with family members, confinement in dark rooms and solitary confinement, collective punishment of minors, as well as other disciplinary measures that degrade and endanger the physical or mental health of minors.

Deadline for implementation of the recommendation: At once.

- In their work, to ensure that the daily schedule of activities be structured in such a way that treatment activities - workshops and sections - are mandatory, which will include learning foreign languages, computer training and the use of basic programs, use of photo cameras (organizing photography courses) and the like.

Deadline for implementation of the recommendation: At once.

- Ensure 24-hour presence of permanently employed staff members during all 7 days a week for work with the juveniles.

Deadline for implementation of the recommendation: At once.

- Consider every possibility to contribute to better education of children during their stay in the Institution in a way that clearly specifies the time for the daily learning of minors and to seize the practice that minors receive questions and answers at the same time which they later just copy.

- Consider the possibility of hiring a physical education teacher with permanent work contract.

Deadline for implementation of the recommendation: Six months.

- Seize the current practice of making children address them in writing asking for conversation with the educator or reception by the medical team for health issues.

Deadline for implementation of the recommendation: At once.

4.2. Institution for the Execution of the Institutional Educational Measure of Referral to the Educational-Correctional Facility

Department of Educational-Correctional Facility of the Banja Luka Prison

Department of Educational-Correctional Facility is within the Banja Luka Prison and is the only such institution in Republika Srpska. According to the Director of the Banja Luka Prison⁶⁵ this Institution will stay within the perimeter of the Prison for some more time period. According to the obtained data⁶⁶, within the treatment service this Department has six employees (Head of the Department, two educators, psychologist, an educator for extra-curricular activities and sports, and a class grades teacher, while the security service includes the Commander of Security and police officers. At the time of visit⁶⁷ there were four juveniles in the Institution. They are older juveniles, from 16 to 18 who are sentenced for the criminal offences of attempted murder and theft. This Institution enjoys the support of the competent ministry – Ministry of Justice of Republika Srpska and can implement projects as the beneficiaries.

The institution believes that the accommodation conditions are satisfactory, although the premises are not built exactly for its current purpose. The admission department is not functioning, because the facility does not meet the technical requirements for use, after the earthquake in the region⁶⁸. Prison rules reflect to the general functioning of the Educational-Correctional Facility Department.

The fact that this Institution is situated within the perimeter of Banja Luka Prison and that at the moment it is not certain when it will be relocated imposes an obligation to the authorities to make the current building more adequate for the execution of the measures, which would include rearrangement of the living rooms to make them more comfortable for the stay of children, replacement of worn-out furniture (kitchen, tables, chairs), replacement of metal beds by wooden ones and sponges with mattresses. It would be also important to ensure the privacy in the use of toilet⁶⁹.

⁶⁵ Interview held with the Director of Banja Luka Prison on 28 September 2021

⁶⁶ Data obtained from the Questionnaire filled-in on 12 August 2021

⁶⁷ 28 September 2021

⁶⁸ After the earthquake with epicenter in Petrinja in December 2020

⁶⁹ During the visit it was observed that there are two toilet seats in one room with a wall between them, but not extending to the ceilings, but only until the half-way;

Hygiene is maintained by the juveniles with supervision and guidance of the officials. As for the spatial resources, Ombudspersons still insist that metal beds should be replaced by the wooden ones and the sponges with mattresses⁷⁰.

As in the of previous reports, the Ombudspersons reiterate that it is not appropriate to have bars on the windows of this type of institution and that the facility be fenced with barbed wire. In order to contribute to a more pleasant stay, the Ombudspersons suggest to the Institution that the premises be painted and that the choice of colors be taken into account, in order to beautify the space and make it as pleasant as possible.

Organization of preparation and maintaining the quality of food is the responsibility of the appropriate Prison unit. According to the questionnaire, the staff members are satisfied with the cooperation with the social welfare centers, because the centers maintain contact between the juveniles, their families and the Institution, work with the juveniles to prepare them for release, etc. Judges and prosecutors visit juveniles at least twice a year, but not all judges and prosecutors. Juveniles can receive visits of their parents and other relatives at least once a week, and twice a month by other persons. Juveniles are entitled to annual leave, and unlimited number of parcels. They also have the right to a telephone call at least twice a week. They have access to the library, television, and radio, but do not have access to Internet. Educational profile of children is finished high school or currently attending it. Medical examination of the juveniles is done within 24 hours from the admission of the juvenile in the institution, and once a year the juveniles have a systematic medical check-up in the appropriate health institution, and the resulting health report is submitted to the juvenile prosecutor, juvenile judge and social welfare center in the place of residence of the minor. Twice a year a report on psychological status of the juvenile is prepared, and this report is submitted to the to the juvenile prosecutor, juvenile judge and social welfare center. Privacy of the children is respected so they can keep their private things in the Institution's deposit and so be protected. According to the Questionnaire, the pandemic caused by the Corona virus affected the realization of the rights of juveniles in such a way that at one time they had a restriction on receiving parcels and visits. They could not receive visits from family members for a certain period of time. Parcels could be received, but they were stored in special rooms for 24 hours before being handed to a minor. Also, for a certain period of time they had a ban on the use of IESs outside the Institution. As the epidemiological situation improved, these rights were gradually reinstated. During the pandemic, minors were provided with protective supplies, such as disinfectants, masks and gloves.

Juveniles are entitled to complain, but there was no any complaints in 2019 or 2020.

Interview with children

At the time of visit, for juveniles were serving the measure of referral to educational-correctional facility – one sixteen years old, two seventeen years old and one eighteen years old, who voluntarily participated in the conversation. They are aware of the type of institution in which they stay and the reasons why. They are familiar with their rights and obligations and have

⁷⁰ These facts were highlighted earlier as well

positive legislation available (Law on Protection and Treatment of Juveniles in Criminal Proceedings in Republika Srpska) and the House Rules. From the conversations with the juveniles, it was concluded that they have a positive attitude toward the way they are treated by the authorized officials, and representatives of the treatment and security service. A reward system has been established, minors are categorized into groups A, B and C, and accordingly they are entitled to privileges. They stated that they have at their disposal a sports ground for football and basketball, a table tennis table, and a bowling alley. During bad weather conditions, they have the opportunity to use the gym located within the administration. In the summer, they install a swimming pool, but the management pointed out that they do not use it much. They have books from the library, board games, and the daily press at their disposal, and they had a complaint about the games being obsolete and the equipment for the Play station. Ombudspersons call on the Institution to ensure sufficient number of games consulting the minors while making the choice and ensure their participation.

The building where the juveniles are placed is surrounded by green areas, well maintained flowers and everything is neatly mowed and the minors confirm that they maintain everything themselves on a voluntary basis. There have been complaints about the food with which they are partially satisfied. They think that they should be offered an alternative on days when some meals they do not like are served. Also, they complained about the choice of products in the canteen located in the Prison, as well as the prices. The juveniles pointed out that the educators do not admit them if they arrive at the Correctional Facility after 3 p.m., in which case only police sergeants admit them. In the conversation with the minors, it was noticed that there is no specific time dedicated to work with professional staff, but that the treatment activities take place in the period until lunch in form of spontaneous conversations, and no type of work is mandatory.

Ombudspersons see it necessary to organize training in informatics, foreign languages, and vocational training.

Minors who came to the Correctional Facility without a secondary education, were enrolled in a secondary school and are studying to be bakers. They state that they study during the afternoon break, and that they go on certain days of the week to take exams. Juveniles are provided with telephone contact with the family from the phone booth, which is located outside the building. In addition to that, family members can visit them and those visits take place wherever there is a free room, as they claim. From the conversations with the juveniles, it follows that they are satisfied with the primary health care that is available to them 24 hours a day within the medical service of the Banja Luka Prison. Specialist services are provided at the University Clinical Center Banja Luka.

Nobody complained about the provision of hygiene means, clothing and footwear. They state that they provide it themselves, but if someone does not have the opportunity, they can get everything in the Educational-Correctional Facility. Minors state that they do not need to perform religious rites, but they think that it would be possible if they wished.

Juveniles claim that they have unhindered communication with the family, and they pointed out that if someone does not have money for a telephone booth, they can make a call from the office of professional staff.

The general assessment is that minors are satisfied with their stay in the Institution and the work of educators who are involved in work with children on a daily basis. In order to fully achieve the purpose of treatment and fulfill the legal obligation of the authorities and ensure the right to education, it is necessary to dedicate specific time period during the day for learning with a purpose of building the child's personality, and not just formally secure a diploma and a vocation. In addition, it would be good for children to be more involved in food preparation (e.g. breakfast) and to have clear structured activities on a daily basis, such as an IT section with the aim of providing them with computer literacy, foreign language learning and job training.

Interview with administrative-technical staff

During the visit an interview was held with members of Security service⁷¹ who pointed out that this Service is filled mostly by police officers who are about to be retired. The practice in Banja Luka Prison is that a couple of years prior to their retirement they allocate their police officers to the Educational-Correctional Facility which they think is good, since they are experienced, have good communication skills and are better in establishing relationships with the juveniles (they incline to making conversation, have knowledge and skills in the field of pedagogy, they are not impulsive, but more patient etc.) All mentioned contributes to creating a better atmosphere in the Institution. It is particularly highlighted that all security officers dealing with children are certified.

They think that it would be ideal if the juvenile correctional facility was separated from the Banja Luka Prison, there might be technical problems with functioning (related to nutrition, medical part), but with good organization it could be overcome. They put efforts in nurturing good relations and provide conditions for children to respect and honor each other. This is a small community, so it is easier to create a healthy environment with a little effort. Members of this service have precisely defined obligations which facilitate its functioning within the Institution, and their basic task is to try to create some similar features within the group of minors in terms of their obligations thus eliminating the possibility of conflict between them. They think that the key element is the process of re-socialization of children is to train them for specific occupations (plumber, ceramicist, electrician, etc.), and that the institution should have instructors with skills in multiple occupations. The representative of the Security service stays alone with the juveniles after 7 p.m. on weekdays, on Saturdays after 3 p.m., and on Sundays all the time. They believe that the community is late in referring the juveniles to the Facility, that they come too late, and they usually leave after a year and a half, which proves that the society is way too tolerant. As they pointed out in the conversation

„Working with minors and helping them in some things they do not know raises the authority of the officials much better than any pressure "... The society is late with reactions in the initial period and there is no reaction in the post-penal period. The police probably awaits that a minor

⁷¹ Head of Security Service Krnojevac Bogdan and Topić Dario, Police Officer, first class

commits two or three offences before processing, the number of convicted persons is unrealistic while the juvenile delinquency and peer violence is in the rise, as we all witness.“ According to the interviews there is no excessive danger in the Institution, there were no cases of aggression, the system is well organized and the adopted rules are respected. The constant presence of security representatives reduces tensions among minors and that is why it is important that they move among them and communicate. Employees have regular training, are extremely physically fit (strength, use of physical force), they can use the gym of the Institution for physical activities, but believe that education outside the institution should be provided as much as possible. At the time of the pandemic, they were well organized, two minors were positive last year, but it ended well because they were temporarily isolated and separated, so that the infection did not spread. Advantages of working in the Institution, a good ratio between the number of employees and the number of juveniles, a large separate space for minors, so you can organize the work process and treatment, in particular as it is easier than the work with the adults. Asked about negative sides of work they mention the lack of additional work engagement and the fact that the Facility is located in the close vicinity of the Prison and prisoners.

Interview with professional staff

In terms of human resources the professional team consists of the head of the department, a psychologist who works in the Admissions Department, as well as a social worker as necessary, while a special pedagogue, educator (graduate psychologist) and sports activities specialist work with minors after they finish with the Admissions Department. During the conversation, the general satisfaction of the staff prevailed when it comes to the general impression of the Institution and they emphasized that they are generally satisfied with the conditions, that it is a small institution, a residential unit that has the capacity to achieve good results, given the small number of children. Although they acknowledge that the technical conditions can always be further improved (in terms of technical equipment), they believe that the most important thing are services they provide, and that the staff available to the Institution is sufficient to cover the number of minors placed there. The facility has external insulation, heating, and doors and windows have recently been replaced.

According to the professional staff, to this Institution are mostly referred juveniles to whom a measure in duration from six months to four years are pronounced, but they are mostly released after one year, which, according to them, is an indicator of success and effectiveness of the treatment. The atmosphere in the Institution is described as homey, familiar, not something institutional and strict, and they believe that the beneficiaries are very satisfied, that they regularly use all the privileges they have at disposal, and that the professional staff became close to the beneficiaries.

Professional staff members think that the problem arises when minors, after the measure has been implemented, return to live under the same circumstances in which they committed criminal offences, they lose the home they had in the Institution and come to a situation where no one accepts them again.

There is a schedule of activities for minors in the Institution and they are involved in work such as mowing the grass, pruning fruit, planting flowers, maintaining and disinfecting the premises,

but the professional staff emphasized that most activities are carried out spontaneously after the staff members come to work. When, for example, the weather is cloudy and rainy, then it is not possible to carry out the outdoor activities that were planned for that day. However, the schedule envisages a morning walk from 8 to 9, after which they plan the next steps, and activities and define who is in charge of which. The library within the Educational-Correctional Facility is available to minors, and if there is a need for additional literature, it is delivered from the Institution's library. Although the Internet is not available to minors, according to the staff, the beneficiaries are shown educational shows, travelogues, as well as series and movies, and newspaper articles are read. The staff emphasizes that these activities are always discussed by the juveniles. The minors are occasionally taken to the city, visit cinemas, theaters, museums, fairs, pastry shops. In addition to that birthdays and other holidays are marked and celebrated. These are also the types of rewards provided to the juveniles. According to the professional staff, the minors are taken to visit their families during their stay, and this is the first departure after a juvenile becomes entitled to use the privileges. Furthermore, although the Institution receives a social history from the social welfare center upon the admission of the minor, the professional staff visits the family in which occasion the family's resources are assessed and recorded in order to determine if anything has changed in the meantime. Minors have the right to go out to the city for five hours, or for eight hours if they are with their family, but going out for five hours is used independently only by those who live in Banja Luka. Also, the beneficiaries have a weekend of two days and have an annual leave or school holidays depending on whether they attend school. Daily rest is from 2 p.m. to 4 p.m. every day. Also, during the staff's visit to the juvenile's family, if the juvenile was employed and if he had an employer, the staff members discuss with that employer the possibility of re-engaging the minor after his leaving the Institution, and the competent social welfare center is informed about everything. If the staff members believe that a member of the extended family can provide support and assistance to the minor, they contact that member. It can be a godfather, a neighbor, a member of an extended family who is considered a positive figure and who could be providing help both during the use of privileges and after going out. During the conversation, an example was given of an aunt who lives abroad and who agreed to admit the minor after he leaves the Institution. The staff members also assist the minors in drafting documents.

Regarding the education, the staff states members inform that three out of four minors are involved in secondary education (one is finishing, one is just enrolled and one who has finished primary school according to a special program and is currently attending the Public Institution Center "Protect Me" Banja Luka), but they could not choose the occupation, but were offered to be trained for occupations such as baker, cook, waiter, since the practical training for these occupations can be arranged within the Institution. Minors have practice 2 to 3 times a week, the practice is done in the Institution's restaurant, and for that they received a modest material compensation of 20 BAM. Special cooperation has been established with the Public Institution Agricultural School Banja Luka.

One of the beneficiaries attends classes at the Public Institution Center „Protect Me“ in Banja Luka, where he goes once a week and stays for 2 to 3 hours for instructive classes. This boy achieves great results, he is the best in his group and teachers often praise his success. According to the staff members, he took the school seriously, regularly prepares for the next week and studies the lessons. As a particular problem it was highlighted that the juveniles in their life so far

did not have adequate supervision, they were independent, left to themselves, and that it is noticeable that as soon as they are given some attention, they accept it, try hard, like to show that they know something and that be praised.

Ombudspersons think that it is necessary to establish cooperation with other secondary schools in order to enable the juveniles to chose the vocation according to their interests and wishes as much as possible.

In respect of the judicial system functioning, the professional staff states that visits of judges and prosecutors who have the obligation to visit the juveniles, are very rare, and the same case is with the representatives of social welfare centers. They also emphasize that the principle of urgency in the work of the court with minors is also not applied and mention as an example a case when a juvenile who committed a criminal offense was referred to the correctional facility a year or two after the offense is committed, although in the meanwhile he did not commit any criminal offense what justifiably raises the question of the purpose of such measure's execution. The staff also states that this Institution has the capacity, both in terms of staff and space, to receive a larger number of minors than is currently the case, and they believe that a special appeal should be made to the judicial authorities to refer children. The Ombudspersons consider that additional training of judges is necessary regarding the use of all legal possibilities and fulfillment of legal obligations.

Furthermore, the professional staff believes that the courts generally respect their expert opinions and often act on their proposals, for example there are situations when the court, at the suggestion of the Institution, schedules a type of control hearing and suspends the measure. However, the staff believes that the cooperation and communication of courts and the Institution is mostly achieved at their initiative. The Institution sends reports to courts, prosecutor's offices and social welfare centers every 2 months, and informs them about the situation of the juvenile serving the measure.

The Ombudsman of Bosnia and Herzegovina thinks that it is necessary to establish better cooperation between the judicial authorities and institutions for the execution of institutional measure of referral to an educational-correctional facility.

When it comes to the impact of the Covid-19 virus pandemic, the expert staff states that 3 cases were registered in the Institution, two of which were minors, who were separated from others on the second floor of the Institution which was used as a type of isolation facility. One minor was, with his consent and after the consultation with his family, vaccinated with the first dose of the vaccine. The outbreak of the pandemic affected the realization of the rights of minors in the sense that visits were forbidden, that parcels were kept 24 hours in one room before delivery, that the choice of things the family could send was restricted, visits to the family were suspended, however, this did not significantly affect their psychological state, and there was no escalation of dissatisfaction among the beneficiaries. The professional staff pointed out that the children took the situation and the consequences seriously, and that there were no problems even in the case when one of the beneficiaries was denied to use one of the privileges for the first time (family visit during the weekend). Although visits were limited, decisions were changed and

adjusted depending on the Crisis Response Team's orders, but juveniles were allowed regular contact with families. The Institution has a telephone booth, which can be used every day in 2 time periods (11-12 and 17-18), and minors have at their disposal 7 numbers that are registered (family numbers that have been checked). If a juvenile does not have funds in the account, (no payment made by the family) on a weekly basis they are provided with a phone call from the official phone number in the presence of staff. However, it was pointed out in the conversation that even in cases when the family calls in the evening, the staff connect them.

During their stay in the institution, the primary health care is provided to the beneficiaries, and the Institution hired a prison doctor and medical technicians who are present for 12 hours, and all other medical services that cannot be provided by a doctor are offered in the hospital. Also, minors undergo regular systematic medical check-ups.

The professional staff members consider the security situation in the Institution satisfactory, claiming that there were no attempts of escape for a long time, nor cases of self-harm or attack on an official, which in itself indicates that the beneficiaries are satisfied, and that the Institution provides adequate services and treatments. The assessment of the juvenile is performed upon his arrival, in the first period of his stay in the Institution. Based on that assessment the management decides on IEPs. The purpose of this is for the juvenile to adopt patterns of behavior and culture, such as how to treat staff when they encounter them. Asked about the problems the professional team members mentioned the location of the Educational-Correctional Facility within the Prison perimeter, and the need for its relocation. Also, the problem of carrying out the practical training in the presence of adult convicts (although these are convicted of crimes such as endangering the traffic safety), and the existence of a wire surrounding the Facility, although there were no attempts of escape. In addition to that, the professional staff point out as a problem the absence of an institution that precedes the Correctional Facility, believing that this is the gravest and the only educational measure, and that there are no institutions such as educational institutions, educational centers, disciplinary centers, which would be a step prior to this Facility and where juveniles would see how it is to be a closed system, which could ultimately deter them from committing crimes.

The relationship and communication between the juvenile and the professional staff was highlighted as generally good, orderly and friendly. The professional pedagogue also mentions examples of minors who contact him even a few years after the minors leave the Institution, send cards for holidays or regards through certain persons. The beneficiaries address members of the professional staff in formal manner and refer to them as an educator. From the interviews it was concluded that the staff, after the juvenile leaves the institution, inquires about their conditions from the social welfare centers.

Members of professional team think that their number is sufficient and no additional staff should be hired. However, they emphasize their need for professional training and particularly point out that sometimes they pay from their pocket for the attendance of professional trainings.

Asked about the profile of the juveniles they say that they are mostly the juveniles who committed offences against the property, while murder, attempted murder and rape come in a lesser degree.

When asked whether minors participate in making plans such as annual plans, planning new activities, staff stated that although the beneficiaries are generally always asked about their wishes or interests in making such plans, they do not directly participate in planning.

The professional staff states that the work with minors is mostly done individually, conversations are conducted related to certain issues, there are thematic workshops, workshops in general culture that they practice every day. Among the methods used they mention persuasion, guidance, encouragement, repressive methods, punishment and reward. The professional pedagogue states that punishments are very rare, mainly in case that some excesses emerge, such as physical conflict, and these punishments include a warning, reprimand or prohibition. The biggest help is provided by the parent group that is there, and when a new beneficiary comes, those who are already permanent, learn new ones how to behave. Privileges for a minimum of 30 days are denied for more serious and frequent violations of minor injuries.

During the juvenile's stay, a treatment program is prepared, which contains basic information such as educational group, specific needs and potential of a minor, maintenance and improvement of family relations, education and vocational training, job training, engagement, qualification group, physical and mental health, time management, intensity and form of educational work, preparation and release and social reintegration, opinion of the professional team of the admission department, adaptation of minors in the admission department, contacts during the stay in the admission department, psychological considerations about the respondent, and the conclusion is signed by a graduate psychologist. Individual plans are made for each child individually. The individual treatment program for a minor, drafted and signed by the educator, contains data such as the minor's personality, family circumstances, schooling, use of free time, visits, attitudes and habits, work records - daily events (the Ombudsman's team observed multiple detailed work records within the personal registers). The minor is involved and agrees with the content, and eventually signs it. It could be concluded from the interviews that the educator conducts a conversation with the minor at the end, in order to analyze which treatment goals have been met, and what else has to be done. Parents get involved from the first interview, and they are informed about the plan of work plan with the child and what their role is, they are informed and contacted, but they are not provided with the plan. Parents are only informed in writing about the children's mental and health condition every six months.

In the interview, the staff also pointed out that the juvenile is being prepared for the release since the admission to the Institution, and they believe that his entire stay in the Institution is a preparation for leaving as a final goal. In this regard, the staff states that for this reason they try that the juvenile spends as much time as possible outside the Institution, in the city, and to that end a whole series of various activities is carried out, such as the continuous work with the family and family preparation from the beginning of treatment. The work in the Institution is organized so that the educators are present on weekdays from 7 to 19, and the rest of time there are members of the security service. On weekends, there is one on-duty educator who is on duty on Saturdays from 7-15, and on Sundays he is available by phone, and as necessary. The staff states that there was a practice of organizing duty shifts on Sundays before, but this was abolished due to the small number of beneficiaries. However, it is not uncommon for staff to

inquire about the status of minors on weekends, especially those who use privileges / IEPs (e.g. checking if a minor returned to the Institution).

As already stated in the research methodology and based on previous agreement, the draft report was submitted to all institutions for their comment prior to completing the final report. Banja Luka Juvenile Prison provided their comments and remarks within the given deadline.⁷²

Recommendations of the Ombudsman

Ombudspersons of Bosnia and Herzegovina are recommending the Ministry of Justice of Republika Srpska and the Prison management to:

- take necessary activities to relocate the Department of Educational-Correctional Facility out of the Banja Luka Prison perimeter;

Deadline for the implementation of the recommendation: One year.

- At the same time, until the above recommendation is implemented to make the current building more adequate for the execution of the measures, which would include rearrangement of the living rooms to make them more comfortable for the stay of children, replacement of worn-out furniture (kitchen, tables, chairs), replacement of metal beds by wooden ones and sponges with mattresses.

- contribute to the quality of education of children during their stay in the Institution in a way to establish cooperation with other secondary schools in order to enable the juveniles to chose the vocation according to their interests and wishes as much as possible;

Deadline for the implementation of the recommendation: At once.

Ombudspersons recommend the Department of Educational-Correctional Facility to do the following:

⁷² *In line with your Special Report on the Analysis of the Situation in Institutions Accommodating Minors in Conflict with Law in BiH, we would like to point out to some facts. Our wishes and intentions were to have the Juvenile Prison separated from Banja Luka Correctional Facility. In order to comply with all your remarks and recommendations, which we completely agree with, the Juvenile Prison needs to be relocated somewhere where facilities would be built to fit this specific population. We hereby invite you to support and assist us in finding donors who would help us resolve this issue. We are aware that the current location and facilities are not adequate for an institution of this type, but we continuously try to invest and thus improve the living conditions for minors serving their sentence, and overcome the drawbacks you specified in your report. We agree that some of the furniture is worn out and needs to be replaced, as well as that the right to privacy needs to be ensured when minors use the toilet facilities. As for your observation and recommendations concerning education of minors over the past years, we have had a lot of problems pertaining to the legislation, as you are well aware of. Nowadays we are more than happy with the fact that our minors can complete their high school education. We have addressed some high schools, but there has been no understanding because carrying out a part-time education process is quite difficult, especially when it is about a small number of students or just one student. It is impossible to expect minors to select occupations based on their affinities and wishes because of the lack of understanding from some schools financial unsustainability and impossibility to carry out theoretical and practical classes for particular occupations.”*

- In their work, to ensure that the daily schedule of activities be structured in such a way that treatment activities - workshops and sections - are mandatory, which will include learning foreign languages, computer training and the use of basic programs, use of photo cameras (organizing photography courses) and the like.

Deadline for the implementation of the recommendation: At once.

- Enable the juveniles to make their own food, in particular breakfast and/or supper;

Deadline for the implementation of the recommendation: At once.

4.3. Institution for the Execution of Institutional Educational Measure of Referral to Educational Institution

Public Institution the Institute for the Education of Male Children and Youth

The Institute for the Education of Male Children and Youth Sarajevo is an open institution, which is defined as a public social protection institution owned by the Federation of Bosnia and Herzegovina pursuant to the Law on Assumption of Rights and Obligations of Founders over Social Protection Institutions in the Federation of Bosnia and Herzegovina. The organizational structure of the Institute for the Education of Male Children and Youth Sarajevo consists of the director, Legal and General Affairs Administration, Beneficiaries Treatment Administration and Financial and Material Affairs Administration. According to the Institution⁷³, it has 12 employees as professional staff, 7 employees as administrative staff and 7 members of technical staff.

As for the age structure of the beneficiaries⁷⁴, the Institute currently accommodates 16 beneficiaries, 3 aged 12, 1 aged 14, 1 aged 16, 7 aged 17, 3 aged 18 and 1 aged 19. Regarding their structure by criminal offenses, these are criminal offenses of murder 1 beneficiary, attempted murder 1 beneficiary, prolonged criminal offense of theft 1 beneficiary, extended criminal offense of aggravated theft 1 beneficiary, criminal offense of robbery 1 beneficiary and extended criminal offense of robbery 1 beneficiary. Profile of children currently placed in the Institute are children referred by social welfare centers - educationally and generally neglected children and by courts, educationally and generally neglected children perpetrators of criminal offenses, and recently there has been no change in trends compared to the previous situation.

During the visit, it was noticed that the Institute has large spatial resources, in fact too large, having in mind the number of its beneficiaries, and most of the furniture is worn out. Also, the Department for Minor Girls has been completely renovated, but it is not in function and it is inevitable that in the coming period it will be subject to wear and tear due the lack of use. There were no minor girls in the Department at the time of the visit and according to the current legal

⁷³ Data obtained from a questionnaire dated 13 August 2021. The Questionnaire was filled-in by Lejla Medović Milić, Head of Treatment administration

⁷⁴ According to the data obtained from a questionnaire dated 13 August 2021. During the visit to the Institute that took place on 21 September 2021 an interview with the Head of Treatment administration it was emphasized that currently there is 15 beneficiaries in the Institute – 3 beneficiaries in the age of 13, 1 in the age of 15, 2 in the age of 16, 5 in the age of 17, 2 in the age of 18 and 2 in the age of 19 (11 beneficiaries referred by the court, and 4 by the social welfare centers).

solution there is no possibility for minor girls to be referred to this Institution. Namely, the Department for the stay of minor girls has been established, and it will accommodate girls referred by the social welfare centers and the court, with a capacity of 25 places. However, they mention the problem of referral by social welfare centers because of the name of the Institute entered in the court register (Public Institution Institute for Education of Male Children and Youth). This problem has not been resolved since 2018 and the Ombudsmen again emphasize it and the need to harmonize the activities of the Institute with its name entered in the court register.

A room for intensified supervision is still there in the Institute, and the records related to the intensified supervision are kept by a social worker. Earlier recommendation for removal of the bars on the windows and doors of the Institution and putting the room for intensified supervision completely out of use were not implemented.

The Institute assessed its spatial resources as satisfactory, including the accommodation conditions, organization and maintenance of cleaning activities, adding that the premises are maintained by workers, hygienists, in accordance with the systematization and the Rulebook. However, during the visit to the Institute, it was noticed that the living room was not adequately cleaned. During the conversation with the professional staff, it was stated that the hygiene is maintained by two people, one of whom returned from sick leave that day, and that this was the reason for the current status. During the visit to the Institute, the problem of heating was identified, in the sense that the radiators could not adequately heat the premises, for which the lack of funds was pointed out as the biggest reason. Of particular concern are the fact that the visit took place in September, and that low temperatures are still expected in the coming winter, which could endanger the health and stay of children in the Institute. Also the facility does not have sufficient number of air conditioners, but there are units installed in the offices of directors and department heads. During the visit, it was noticed that disinfectants and soap were missing. Also, the organization and quality of food was assessed as satisfactory, although the employees, according to the information provided by the Institute, do not consume food in the Institution. Within the establishment there is a kitchen where meals are served (3 main dishes and 2 snacks).

During their stay in the Institute, the beneficiaries can use the sport facilities such as table tennis, a sports hall equipped with mats and fitness equipment, and there is also an outdoor sports ground. Minors spend three hours a day outdoors. Upon arrival at the Institute, the juveniles are informed of their rights and obligations, and a copy of the House Rules is given to each juvenile.

Treatment activities with minors, i.e. the treatment capacities were assessed as satisfactory. According to the data from the questionnaire, individual plans are drafted in the Institute, with participation of parents, as well as children so they can give suggestions, in particular in respect of the choice of occupation/professional orientation, and free time activities. Minors are also involved in planning and monitoring the effectiveness of services, through daily consultative interviews with professional staff members and through internal evaluations of service quality. Work with minors is carried out individually, as well as in groups (smaller groups of 2 to 5 beneficiaries). The Institute has developed a treatment program, a program of nonviolent communication, a program of assertive training, as well as a training program for independent living, but the Institute is not focused on post-penal treatment and protection because they

believe they are not competent (not the core activity of the Institute). They also state that the social protection centers are in charge of that, as they maintain contact with the family, the child and the Institute, and work with the minor during the preparations for release.

As for the separation of two different categories of beneficiaries who are referred to the Institute on different legal grounds (guardianship authorities and judicial institutions), the Ombudspersons note that its recommendation issued in the 2018 Report to ensure full (physical and in sense of treatment) separation of two different categories of beneficiaries, is not complied with. Namely, during the visit to the Institute and from the interview with the professional staff, it was noticed that basically they are physically separated (there is a separate Court Department and a separate Social Department), but that in terms of treatment (use of certain facilities and activities) it is impossible to physically separate them, in particular in the implementation of activities outside the Institute.

The Ombudspersons are concerned because of cohabitation and constant contact of juveniles who have been referred to the Institute on two different legal grounds, by guardianship authorities and judicial institutions. This is certainly due to the fact that juveniles referred by guardianship authorities are not in conflict with the law, and their stay and contact with juveniles referred by judicial authorities may negatively affect them.

According to the information from the questionnaire, education is available to the minors, and since this is an open type institution, children are free to attend school outside the Institute. The number of computers (6) in the School Department has increased due to online classes.

Juveniles maintain communication with their families and receive visits of family members, in accordance with the family situation and the consent of the competent courts and social welfare centers at least once a week, while other persons can visit them twice a month, depending on the consent of the courts and social welfare centers. Minors can receive unlimited number of parcels, telephone calls at least twice a week, and are entitled to annual leave. Within the facility they have access to the library, internet and TV.

All personal documentation of the beneficiaries is in their personal file, which is locked in a metal cabinet and is available only to professional workers who are in direct contact with the beneficiaries. Other valuables are deposited in the safe and cash deposit of the Institute.

According to the questionnaire, juvenile judges visit juveniles at least twice a year, but this does not apply to all juvenile judges. Minors can use the services of primary health care, specialist services, an addiction treatment program is provided, and a medical examination is conducted within 24 hours of admission. Once a year, they have a systematic medical check-up, and the results are submitted to the juveniles judge and prosecutor, the social welfare center and parents.

The facility has an infirmary equipped with a medicine cabinet, an examination bed and other furniture. The doctor is hired for two hours and is paid under a service contract. A nurse is employed by the Institute (at the time of the visit, a public vacancy was published for hiring of a new medical technician). In the 2018 Report, one of the Ombudsman's recommendations referred to the need to hire a medical technician. Also, the Institute has an external associate

neuro-psychiatrist, who comes to the institution every Wednesday for two hours. During the visit, good cooperation with the Institute for Addiction Diseases of Sarajevo Canton was emphasized, and that the Institute has a device for testing for the presence of psychoactive substances. When it comes to the impact of the pandemic on the exercise of rights, the questionnaire states that in certain periods the movement of beneficiaries was restricted or prohibited, and that the Institute acted in full accordance with the orders, restrictions and instructions of the competent ministry. During this period, no visits were allowed, and minors were provided with masks, gloves, and disinfectants.

Juveniles are entitled to complain, but there was no any complaints in 2019 and 2020.

The institution made a contract with a security agency (protection of people and things), and the security guard is present 24 hours a day, they do not carry weapons, but have a metal detector. Security guards are not specially trained to work with minors. The Institute premises are covered by video surveillance which is connected to the security agency's alert center.

Among the recommendations of the Ombudsman of Bosnia and Herzegovina from the previous 2018 Report was to remove the bars from the windows and doors of the Institute. During this visit, it was noticed that the bars are still on most of the windows of the Institute, while in several rooms the bars have been replaced with handrails (kitchen). The reason for non-implementation of this recommendation is the protection of the Institute itself (protection of property from theft), as well as the protection of the beneficiaries, to prevent them from „sneaking through the window“.

Interviews with children

During the visit⁷⁵ an interview was held with two juveniles.⁷⁶ They were sentenced to an educational measure referral to an educational institution for six months, that is, a year and a month for theft. They are satisfied with the conditions of accommodation, it is extremely important to them that it is in Sarajevo, as a metropolis, compared to Orašje, so it is easier for their families to visit them.⁷⁷ They say that their rights and obligations are explained to them, they are satisfied with the food and they would not change anything. They had no objections to the maintenance of personal hygiene, they receive what is necessary for personal hygiene from the Institute. This year, they do not have much joint activities outside the Institute due to the pandemic caused by the Corona virus⁷⁸, but there are workshops in the Institute that can be used as they wish, during the working days once or twice, and they also have the possibility to work outside the Institute which they think is very useful, so they are not bored. One of the minors has finished high school, and the other will take part-time classes in elementary school. In the conversation, they point out that they have access to computers whenever they need it because of school, they have the right to use it at a certain time and they have access to the Internet under the supervision of educators. They also have access to the library, and can bring books from

⁷⁵ On 21 September 2021

⁷⁶ Both in the age of 17

⁷⁷ One of the minors was in detention unit of Orašje Prison

⁷⁸ They mentioned visit to the pool this summer

home, have access to TV with a sufficient number of channels, and are not interested in newspapers.

The juveniles do not have any health problems, they were examined before arriving at the Institute. They also think that if they had health problems, that would not be a problem, they would turn to a nurse or educator and the problem would be solved. They pointed out that their body temperature is often measured compared to before, all because of the Corona virus. They are not sure, but they think that they underwent systematic medical check-up, and they also have the opportunity to talk to a psychiatrist who comes once a week (Wednesday) and the educators determine who will talk to the doctor, but they can also ask to talk to the doctor.

From the conversation we learn that if they want, they can sleep longer⁷⁹, that they do not have to have breakfast, but they usually get up around half past seven, have breakfast, then drink coffee, watch TV, talk to professional staff, etc. One of the minors goes home, to his family, every second day from 18.00 to 21.00. When asked if they are visited by juvenile judges, one stated that he was visited by a judge and the other said that he was not visited by a judge, but was visited by representatives of the Social Welfare Center.

They also say that they have enough disinfectants and masks at disposal.

They are familiar with the rules of behavior in the Institute and in case of infringement of these rules, there is a room with intensified supervision.⁸⁰ During the visit and inspection of the Institute, the officials pointed out that such a room exists and is used in exceptional situations, when it is necessary to stabilize the condition of the child (alcohol, drugs or behavioral problems). So, it is not disputable that such a room exists, but its use is disputable. The minors confirmed the claims of the management that the most common problem is the use of psychoactive substances and that there are drugs outside, not in the Institute. Asked specifically, they explain that they have a copy of the individual plan and treatment in their room and that they can give their suggestions to the professional staff of the Institute.

Juveniles claim that there are is no peer violence among them.

They are satisfied with work of the educators, they think that they are full of understanding for their situation. They like to use the gym and play table tennis.

Interview with administrative and technical staff

From the conversation with administrative and technical staff the Ombudsman's representatives learnt that a menu is prepared on a weekly basis with participation of the cook, an educator, a social worker, an economist and a minor. So the minors are actively involved in preparing the menu. Beneficiaries do not participate in the process of food preparation and laundry work. Currently, one minor who attends high school to become a cook is doing his practical training in kitchen of the Institute. The beneficiaries are very interested in tasks such as painting, cleaning

⁷⁹ Until the noon

⁸⁰ According to the claims of the minor – so-called „the room“

the yard, helping in regular repairs within the Institute, creative workshops, etc. Two hygienists and a laundry worker are employed to maintain hygiene. There is a clear division of tasks between the employees in the Institute, but if necessary, due to the shortage of technical staff in order to ensure the smooth functioning of the institution, there is a redistribution of certain jobs. The working atmosphere in the Institute is seen as very good, which is mostly due to good interpersonal relations of the employees, as well as communication and attitude toward the beneficiaries. The Institute does not have its own security service, but a contract with the Agency for the Protection of People and Property is concluded on an annual basis through public procurement. The contract defines that at least one security guard will be present 24 hours a day, and depending on the needs of the Institute, it is possible to hire a larger number of security guards. In order to provide adequate health care, one nurse is permanently employed in the Institute. A contract with the authorized institution is concluded under which a neuro-psychiatrists visits the Institute once a week.

By the 2008 Law on Assumption of Rights and Obligations of Founders over Social Protection Institutions in the Federation of BiH, the Federation Parliament took over the role of founders over this public institution, whose activity is health and educational care for neglected children and youth. The institution is supervised by the Federal Ministry of Labor and Social Policy, the Federal Ministry of Justice, the Federal Ministry of Education and the Federal Ministry of Health. The Federal Ministry of Labor and Social Policy is in charge of overseeing and financing the institution through grants (current transfers), which are awarded each year. Part of the funds is provided by the Institute itself from the payments made by social welfare centers for accommodation of the beneficiaries. Until 2018, the Institute had no problems in financing, however, since the Sarajevo Canton stopped financing the institution, the Institute is facing huge problems. The Federal Ministry of Justice has never borne the costs of accommodating minors in the institution, and they declared themselves incompetent, explaining that they do not have founding rights over this institution. For that reason, the Institute sued the Federal Ministry of Justice in order to collect their claims. The proceedings are currently pending before the Cantonal Court in Sarajevo, while the Institute remains without significant revenues until the end of the proceedings. Regardless of funding problems, the Institute acts on court orders and accepts minors.

Regarding these funding problems, based on data gained during the visit, the Ombudspersons will open an *ex officio* investigation and establish all relevant facts and circumstances, in order to contribute to resolving the situation, guided primarily by the best interests of the child.

During the COVID 19 pandemic work of the Institute has been organized in shifts.

The advantages in the work of the Institute are good interpersonal relations, good communication among employees, work organization, dynamics, as well as personal satisfaction because they help juveniles. As an advantage in their work, they also point out the working hours of 7- 15:30, but only for the administrative staff, while the professional staff works in shifts 12-24, 12-48, which suits most employees. The biggest problem and shortcoming in the work of the Institute is that is funded by grants. The Institute cannot provide enough funds from its own sources. The main problem is that the Institute is treated in accordance with the law as other social protection institutions that have much more beneficiaries. This year, the funds are

provided until October, and after that they do not know if they would be able to settle their obligations. The Department for Female Children has never been put into operation because the Law under which the institution is registered provides that it is an institution for the care and treatment of male children.

Interview with professional staff

During the visit to the Institute for the Education of Male Children and Youth in Sarajevo, a conversation was held with the professional staff of the institution engaged within the treatment service. The expert team believes that the accommodation conditions are satisfactory, and that the institution adheres to the Rulebook on the standards for institutions providing social protection (dormitories have two beds, two closets, a table, two chairs, two bedside tables and everything is neatly equipped). However, the staff underlines the problem of heating, which is not adequate and does not heat the premises enough. All the shortcomings are caused by the lack of financial resources in their opinion, as well as the fact that they have to adhere the public procurement rules so that they very often get equipment of lower quality. Also, the professional staff states the need to administration some children books to the library intended for children of their age. Beneficiaries have access to computers and the Internet in the IT Room, in the presence of a member of the professional staff to monitor the content being searched (e.g. social networks, content related to school, etc.). When it comes to the composition or the professional staff team, they state that their specializations different, and that they try to fight all problems that arise as a team, by organizing meetings where they exchange experiences and opinions. Meetings are held monthly, and as necessary. During the morning, during the shift exchange, short "briefings" are held, the most important information and events that the colleague starting their shift should know are communicated. Also, the staff points out the lack of supervision, professional training and participation of the institution in projects. Professional staff report problems in the field of health insurance, mentioning the example of a minor who had a dental intervention and has insurance from another canton and there is a problem with the competent authority to cover costs or a problem with enrolling a minor in school and the like.

Work of the Institute is organized in the period from 7 to 15:30 for the Administration Department, while the staff from the Treatment Administration is present all 24 hours (report is made every month). When asked if one member of the professional staff is always present in the shift, they answer that at least one member must always be present, and on weekends two staff members. The work is organized in two shifts, day and night shifts. The first shift covers the period from 07:00 to 15:30, while the second shift involves the period from 13:30 to 22:00. In the conversation the staff members state that although the institution has a large number of employees, they believe that there is a need to hire more professionals, such as a sociologist, a social worker, and they emphasize the need for two psychologists. Currently, 4 educators are employed, two associates for the organization of life in the institution and outside the institution, a psychosocial rehabilitation educator, while one educator is on maternity leave. The professional staff believes that the services provided by the institution are adequate and satisfactory, they regularly prepare observations and reports, and try to be as objective as possible in their work, and to improve their services to the highest extent. In working with minors, they use a multidisciplinary approach, which means the work of each member of the professional staff, and each of them applies their own methods when preparing certain reports

and working with beneficiaries. They make different assessments in their work with juveniles, such as social assessment, psychological assessment, pedagogical assessment, psychiatric assessment (done by an external associate neuro-psychiatrist). They mention all methods and techniques that were applied in the given situation. Professional staff also state that the institution receives an official act from the court - an order specifying the activities that the institution should take. In an example they presented they were ordered to assess the psychological, intellectual, pedagogical, psychological and social status of a minor and to give a treatment proposal prepared by their professional treatment team. In these cases, the Institution has a certain deadline within which the report should be submitted to the court in writing. In the case of social assessment, the most commonly used techniques /instruments are interviews, counseling interviews, workshops e.g. relationship with mother and father, family functioning scales, family and risk factors assessment, maternal behavior assessment, control dimensions, psychological autonomy, assessment of father's behavior, a scale of emotional empathy. When it comes to psychological assessment, the psychologist applies psychological tests, conducts interviews, revised beta test, self-assessment of his competence, or measures the relationship with the surrounding environment. Pedagogical assessment is based on interviews, counseling and therapeutic interviews, tests of general graphic/numerical cognition, questionnaires, assessment scales (e.g. optimism/pessimism scale). Psychiatric assessment is performed based on an examination by the attending physician. All scales/techniques (instruments) used vary from case to case and not every scale can be applied to every beneficiary, which is in a direct correlation with his intellectual abilities. During the admission to the institution, irrespective of the referring authority, the beneficiaries stay up to a month in the Department of Observation and Diagnostics, and this period, which staff consider extremely important, is used to make an individual plan for the beneficiary, and analyze his situation. Furthermore, the interview reveals that the services provided by the Institution are based on an individual approach, and that they also apply individual and group work with beneficiaries. Each individual program is individually tailored to each particular beneficiary, depending on their needs. When it comes to individual professional support, they state that it is generally included in the individual plans and programs implemented on a daily basis. In addition, they mention a neuro-psychiatrist who conducts interviews with beneficiaries, does control check-ups, prescribes psychosocial treatment, etc. Individual plans are time-bound, and there is a time frame for the validity of the individual plan (they are updated and new ones are drafted). During the visit to the Institution, the files of the juvenile were inspected, and it was confirmed that they contain an individual plan and treatment program during the execution of the educational measure. Also, the individual plan contains data on the minor, data on accommodation and the goal of the individual treatment program, the imposed measure, evaluation, basic socio-anamnesis data and family circumstances, educational and health status of the beneficiaries, degree of educational neglect and behavioral disorders, habits, interests and abilities of the beneficiaries, free time and perceived affinities. In the case of a juvenile referred by a court, an individual treatment plan and program for the months of January, May and September are present in the file. The plan was signed by all members of the expert team. Treatment plans for each individual are prepared in such a way that during the admission of a beneficiary, the Institute receives certain referral documentation, after which it contacts the competent social welfare center, and collects additional data. Within seven days, the first individual plan for the first month of observation is made. After a month, a more complete picture of the beneficiary is created, after which the original plan is updated and upgraded. As for the hygienic habits of children, the professional staff points out that juveniles referred by the

court are generally much tidier than juveniles referred to the Institution by social welfare centers. Minors maintain the hygiene of their rooms and clothing, and sometimes the floor. They use the IEPs, these are mostly visits to their families, prolonged visits, etc. They state that during the school holidays they had a large number of beneficiaries who stayed with their families. In these situations, the Institution usually coordinates its activities with the competent social welfare centers, asking them for consent, also very often the police administration of the municipality where the beneficiary will stay is informed. The professional staff states that during the holidays, various activities were carried out, organized excursions, visits, walks. Although staff state that the institution does not enforce penalties, denial of certain IEPs is practiced, e.g., confiscation of a cell phone for two days, or denial of a field trip. Minors are allowed to communicate with persons outside the institution, according to the plan and program, but with the consent of the referring authority. They are also entitled to daily breaks of at least three hours outside and holidays during which they go to the family or stay in the institution, but in this case they are exempt from daily activities. When it comes to the approval of the annual leave, the professional staff points out that the procedure starts with the beneficiary's submitting an application and contacting his educator, then the professional team gives its assessment and proposal to the director, who decides on costs, departure and arrival periods. After that the competent police administration is notified. Once a year, they perform an internal evaluation of the quality of services through a survey questionnaire, where the beneficiaries can express themselves, give their observations, on the basis of which they try to improve the conditions.

Communication between professional staff and beneficiaries goes pursuant to the Communication Protocol, and must be done in a professional manner. The interviewed staff members informed the Ombudsman's representatives that the beneficiaries address them formally, but that there are situations when they behave inappropriately and use vulgar terminology. They are satisfied with the cooperation with the courts and prosecutor's offices. Most juvenile judges supervise the execution of the measure and visit juveniles and communicate frequently by telephone.

With regard to the outbreak of the Covid - 19 pandemic, they acted in full compliance with all measures of the competent authorities. They assess the security situation in the institution as good, considering that the Institute has an engaged agency for the physical protection of persons and property, and is covered by video surveillance. They believe that the beneficiaries are provided with adequate health care and they organize systematic medical check-ups once a year.

Asked if they still use the intensified supervision room they claim that its use is reduced to a minimum, and the Institution is obliged to make an official report every time it resorts to its use. There is a Decision⁸¹ which prescribes the procedure and conditions of accommodation in that room.

⁸¹ In 2017 the Institute adopted a Decision on conditions and procedures of accommodation of minors/younger adults in the room with intensified supervision and treatment which describes in detail the procedure of referral of a beneficiary into this room

Recommendations of the Ombudsman of Bosnia and Herzegovina

Ombudspersons of Bosnia and Herzegovina recommend the management of the Institute for Education of Male Children and Youth Sarajevo and the Federal Ministry of Labor and Social Policy and Federal Ministry of Justice, that is, the Government of the Federation of Bosnia and Herzegovina to do the following:

- to ensure the funding of the Institute so that current financial problems would not put in question functioning of the Institution;

Deadline for the implementation of the recommendation: Continuous.

- adjust the premises of the Institute more suitable for the implementation of the measure and attaining the purpose of treatment, in particular having in mind the amounts of invested funds. In addition to that it is recommended that the use of spatial resources be reduced only to the real needs of the Institute;

Deadline for the implementation of the recommendation: Six months

- ensure adequate heating of all the premises, that is, the whole building

Deadline for the implementation of the recommendation: Six months

- ensure full (physical and treatment related) separation of two different categories of the beneficiaries referred to the Institute on different legal grounds (guardianship authorities and judicial institutions).

Deadline for the implementation of the recommendation: At once.

- to continue with activities aimed at removal of the bars from the windows and doors of the Institute.

Deadline for the implementation of the recommendation: At once.

- In their work, to ensure that daily schedule of activities be structured in such a way that treatment activities - workshops and sections - are mandatory, which will include learning foreign languages, computer training and the use of basic programs, use of photo cameras (organizing photography courses) and the like. This also means full inclusion of minors in maintaining of hygiene of the rooms and their wardrobe, as well as breakfast preparation in order for them to acquire work habits;

Deadline for the implementation of the recommendation: At once.

- Ensure full application of Article 155 of the Law on Protection and Treatment of Juveniles in Criminal Proceedings of the Federation of Bosnia and Herzegovina, which prohibits disciplinary measures including denial of work, reduction of food, restriction of juvenile communication with family members, confinement in dark rooms and solitary confinement, collective punishment of minors, as well as other disciplinary measures that degrade and endanger the physical or mental health of minors.

Deadline for the implementation of the recommendation: At once.

4.4. Institutions for the execution of educational measure referral to the educational center

CPU „Educational Center of Sarajevo Canton“

CPU „Disciplinary Center for Minors“ Sarajevo was established in 2005 as an institution in the social protection fields, and started working with the beneficiaries in 2007. There are five organizational units within the Institution: Re-socialization Administration, Diagnostics and

Observation Administration, Administration of Care of Children in Need, Prevention Work Administration and Joint Affairs Administration.

The Ombudspersons found that compared to their 2018 Report⁸² now the Diagnostics and Observation Administration commenced its operation. This Administration accepts children in conflict with the law during the court proceedings under the orders of the competent prosecutor or the court, and ensures the admission and temporary placement of the minors during the preparatory proceedings if the court so decides. The establishment and functioning of this Administration is in compliance with the earlier recommendation⁸³ issued to the Ministry of Labor, Social Policy, Displaced Persons and Refugees of Sarajevo Canton and the Institution. The functioning of this Administration is a significant step forward in its work, but also a new challenge because, in the opinion of the employees, it is necessary to expand the existing spatial capacities for the better functioning of this Administration. Since the Administration works with minors subject to a measure of temporary accommodation, there is a need to physically separate the Administration, and in that sense a project has been prepared for upgrading and expanding part of the Institution⁸⁴, but for the implementation of this project it is necessary to secure additional funds.

According to the data from the questionnaire⁸⁵ the structure of management and professionals in direct contact with the minors includes fifteen employees, seven social workers, four pedagogues, three sociologists and one psychologist⁸⁶. According to the age structure of its beneficiaries, the Educational Center serves for the execution of a measure referral to an educational center pronounced by a competent court to a minor in the age from 14 to 18. Based on decisions of competent courts the Institution also treated some younger adults. In addition to the execution of sanctions against the juvenile criminal offenders, pursuant to the Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of Sarajevo Canton⁸⁷, in its dislocated Administration this Institution also takes care of children in the age from 8 to 18 in the risk situation, based on decisions made by the PI „Cantonal Social Welfare Center“ Sarajevo.

As for the structure of beneficiaries by criminal offenses, this Institution accommodates juveniles who have committed various criminal offenses, including robbery, domestic violence, aggravated theft, possession and facilitation of drug use, violent behavior, minor bodily injury, sexual intercourse with a child, complicity in murder, assault on an official in the performance of security duties. According to the data from the questionnaire, the Institution is currently providing treatment for thirteen minors, six of which are on a full-time basis, while seven of them are on a daily basis. The Re-socialization Administration has currently one juvenile sentenced to a continuous stay of three months, in addition to three

⁸² In 2018 visit to this Center took place on 20 June 2018 and in preparation of this Report on 21 September 2021

⁸³ P. 42 of the Report on implementation of recommendations issued in the document titled „Analysis of situation in the institutions accommodating the minors in conflict with law in Bosnia and Herzegovina“ and assessment of the current situation

⁸⁴ The project envisages the closure of a part of terrace which is currently open and does not serve the purpose

⁸⁵ Data obtained from the questionnaire dated 12 August 2021

⁸⁶ In its comments and suggestions to the Draft Report dated 3 December 2021, the Institution stresses that two more professional staff members have been recruited since September 2021, namely one sociologist and one psychologist.

⁸⁷ „Official Gazette of Sarajevo Canton“ no: 38/14-consolidated, no. 38/16 and 44/17

minors in half-day treatment as they are sentenced to a certain number of hours. There is one juvenile in the Diagnostic and Observation Administration who is sentenced to temporary stay instead of detention. The Preventive Work Administration currently has four juveniles on a daily basis, while the Administration for the Care of Children in Need has four beneficiaries on a full-time basis.

Spatial resources of this Institution are at a high level. The rooms are regularly ventilated and heated in winter time, they have a sufficient amount of fresh air, natural and artificial light, so that the conditions are at an enviable level.

During the visit, the representatives of the Ombudsman could confirm the veracity of the claims of the employees and praise both the employees of this Institution and the children because their commitment to improve conditions could be seen in every part of the Institution. Proof of this are perfectly clean and neat rooms and are decorated with different children's works, which further contributes to creating a sense of home atmosphere.

The Institution has its own kitchen which employs two cooks who are in charge of meal quality. The Institution provides three fresh meals and a snack for children on a full-day stay, while for those who stay a certain number of hours during the day, at least one meal is provided depending on the length of stay. As stated in the questionnaire, the procurement of food is continuous and the nutritional values of all meals are taken care of.

There are sports facilities within this Institution including a fully equipped gym, treadmill, indoor rowing machine, punching bag, indoor bike, bench with accompanying equipment, table tennis table, stepper, and they can play basketball and mini football outdoors. According to the questionnaire, they spend three hours a day outdoors. When asked in the questionnaire what is the current profile of children placed in the Institution, the Institution answered that they currently have children in conflict with the law, sentenced to an educational measure and children ordered temporary stay. Asked about the change in trends compared to before, it was pointed out, that the Institution accommodates children who are in a state of social need placed by guardianship authorities. Furthermore, the questionnaire stated that professionals are in direct contact with children, and for that reason, they believe that there is a need for additional employment, primarily, systematized professional staff of psychologists, pedagogues, sociologists and social workers. Also, it is stated that individual plans are made, and parents are included in the drafting, but not children.

The Ombudspersons call on the Educational Center of Sarajevo Canton to include the minors in the drafting of individual plans of treatment.

The size of educational groups is define according to the number of minors in accordance with their age, gender, development and functional criteria. Implemented treatment programs include nonviolent communication, assertive training, training for independent living, while programs for sub-penal protection programs are not implemented neither by the employees, nor by social protection representatives. In this regard, the Ombudspersons can state that there is a lack of post-penal treatment.

In respect of communication with persons outside the Institution, the questionnaire revealed the following: children have the opportunity to receive a visit at least once a week, have the opportunity to receive visits twice a month by others than family members, unrestricted number of parcels and are entitled to telephone conversation at least twice a week. They have access to television, radio, library, internet and three computers at their disposal. During the visit, the administration pointed out the lack of technical equipment and the need to purchase additional computers, so that online classes could run smoothly in case that a complete transition to the online system takes place.

As a problem in the functioning of this Institution the employees highlight the non-existence of the security service, which makes the work of the employees more difficult. Namely, according to the structure of criminal offenses, it is evident that juveniles placed in this Institution⁸⁸ are children in conflict with the law who have committed the gravest criminal offences and whose behavior is not socially acceptable. Following their placement within this Institution the employees are the only ones to control their behavior and maintain order. They are the only security and in case that any incident takes place they can only avail to calling police or emergency medical aid. This is especially a problem at night having in mind the fact that the Institution accommodates children who may have problems with addictions and certain mental disorders.

As it comes to the health care, according to the replies given to the questionnaire, it is established that minors have a medical examination within 24 hours of admission if necessary, that the findings are submitted to the judge, prosecutor, parents and social welfare services, that the institution provides primary health care, and specialist services, but not addiction treatment. The right to privacy is respected in accordance with the House Rules, and if the beneficiaries have some valuable personal belongings (money, jewelry, mobile phone, etc.), they are kept in the safe of the Institution and returned upon release. According to the Institution, the pandemic caused by the Corona virus did not affect the enjoyment of the rights of minors, children could receive visits which were organized exclusively in accordance with the orders of the Crisis Response Team within the civil protection administration of Sarajevo Canton. The Institution had sufficient means of protection, and as it was stated in the conversation during the visit, a triage tent was set up for a while in front of the Institution. The children have the opportunity to complain, but as they say in the previous two years, there were no complaints.

Interview with children

During the visit one minor – a seventeen years old – was found who volunteered to participate in conversation⁸⁹. The minor knows in which institution he is and the reasons for it, but he did not want to talk about it. He is satisfied with the accommodation, food and attitude of the staff in the Institution. Possibilities of maintaining the personal hygiene are satisfactory, he gets everything he needs in the Institution. There is a gym, table tennis and basketball tennis in front of the building. He uses the study room, the library and workshop. He attends high school, and loves the workshop and often asks to work. He has access to television, computer and internet, which he uses under surveillance. No health problems. From the conversation with the minor, it can be

⁸⁸ There is possibility of placing the minors temporarily as an alternative to the remand

⁸⁹ The minor was in remand/detention during the visit (21 September), that is, he was referred to temporary placement in the EC SC

concluded that there is a strictly defined schedule of daily activities⁹⁰, but he participates in drafting the future activities with the employees of the Institution and is allowed to express his opinion regarding treatment and what to do. In the first 24 hours, he was acquainted with the rules of conduct in the Institution and he believes that he fully respects all the rules. He has a very positive opinion of the professional staff, he can talk to them about everything and states that his stay in the Institution has changed him.

Interview with administrative-technical staff

During the visit an interview was held with the representatives of the staff⁹¹ who pointed out in the conversation that this Institution has specific working hours, professional staff members work 24 hours a day and this is therefore more demanding. They work great as a team, they are well organized, have internal procedures, so they know at all times what they need to do, and it makes their work easier. They believe that it is an advantage to work in this Institution because it is dynamic, one can always learn something new, but the job itself is demanding, and they must follow the procedures, standards, and regulations. On the one hand, demanding, responsible, sensitive, but even that is an advantage for them because, as they say, it prevents them to fall into a routine. Work in this Institution gives them inner satisfaction because it contributes to the individual and the wider community and creates a sense of socially beneficial work. Among disadvantages of work in this Institution, in their opinion, is the need to be available 24 hours a day, which shows the great commitment of the whole team because they must be available at all times and that is the difference compared to other institutions. Work is organized on weekends, and holidays and for that reason they are not desirable institution for job seekers. Also, low income, without the possibility of achieving any benefits. Although they wanted to be recognized as an institution with special working conditions, they did not have success in it yet. In the conversation, they point out that there is no opportunity for additional training because of budgetary limitations for this purpose, so they point out the necessity and need for additional professional training.

Interview with professional staff

During the visit to the Cantonal Public Institution “Educational Center” of Sarajevo Canton an interview was held with the managerial and professional staff working directly with minors. There are 15 employees, out of which seven social workers, four pedagogues, three sociologists and one psychologist. It is a cantonal-level open institution with five organizational units, namely Re-socialization Administration, Diagnostics and Observation Administration, Administration of Care of Children in Need, Prevention Work Administration and Joint Affairs Administration. They pointed out that IT equipment needs to be modernized as it is obsolete. As for the professional staff, they would need more pedagogues, psychologists and physical education teacher. They emphasize that a graduate psychologist is necessary to carry out assessment instruments - tests. They claim that budget line for training and education of

⁹⁰ As the minor pointed out in the conversation the daily activities schedule comprises watching TV, smoking and playing cards

⁹¹ Acting Director Elmedin Zuko, Merima Brdarić, Head of General and Joint Affairs Administration, Lejla, cleaning lady

professional team members and supervision needs is the smallest one. As for accommodation capacity for the juveniles, the staff members emphasize that it is sufficient.

Talking about the structure of the minors, the staff members claim that there is a trend of increasingly grave offenders are coming. The Center is envisaged as an institution for minor crimes, but lately there is no difference in terms of the crime committed between them and, for example, any institution. Recently, the number of crimes committed by girls has been increasing, it used to be much less. In the period 2012-13-2014, they had about 60 measures - referral to an educational center, on an annual basis, now there are none, i.e. there is more of temporary placement, i.e. the number of serious crimes is increasing, so this year they have 10 to 15 detention cases. Recently, new trends have emerged (e.g. new drugs). In this part, they believe that professional staff should be better educated in order to be able to respond to the needs.

There is a Book of House Rules and everybody is acquainted with its contents. Minors receive a copy of the House Rules, while their parents receive an individual plan and program to review and sign to agree. Minors know when to wake up, when to go to bed, when to have breakfast, lunch, dinner and all other activities. If minors are well behaved, they are allowed more visits as a reward or vice versa to keep visits to a minimum. The Book defines the privileges that the head of the Institution can grant to minors.

In respect of the treatment of beneficiaries, it is mostly advisory - individual approach, plan and program is made individually for each beneficiary depending on their social history and complete documentation received from the social welfare center, and depending on the crime committed by a minor. The assessment of the needs for every beneficiary is done in accordance with the referral document. The plan and program are based on education, family circumstances and cause-and-consequence. The goal is always primarily set for each area, i.e. what the Institution has done/established and what are the conclusions/recommendations. The implementation of goals is monitored, for example if the judge imposed a maximum measure of up to 3 months of full-time stay - a cross-section of the report is sent to the judge every 15 days and when the measure is fully executed, it is submitted to the social welfare center and the court.

The individual plan and program envisages topics/areas of work and the actions expected to be done by the beneficiaries. If necessary, they hire the assistance/ support of an external associate - a child psychiatrist. Lately, there is a real need for hiring of an external associate - a child psychiatrist. Parents are included in individual plans, i.e. re-socialization - execution of a court measure. Parents, the juvenile and the professional team sign the plan, except in cases when the observation or a diagnosis is required, then the court delivers it to the lawyer, defense counsel and parents. When it comes to the plan and program for diagnostics and observation, it is exclusive and is made based of an order of the judge - pedagogical, psychological and social assessment is required and where the plan and program is such that post-psychological assessment is based on the use of various instruments, then the Institution carries out assessment scales, intelligence tests, other tests. Finally, a conclusion is drawn on the success of implemented socialization efforts.

Regarding preventive treatment - there are areas of education, family and social environment.

When asked about the services offered at the individual and group level, it is stated that group activities - are mostly implemented through sports and work - occupational activities. The rest is all based on an individual approach, where the activities are determined individually by each member of the expert team. Excursions are also organized as part of group activities, for which a van was purchased, which facilitates the organization of the mentioned activities.

Termination of treatment in preventive treatment, that is, in respect of children in conflict with the law, takes place exclusively based on a decision and an order, that is, the measure is carried out for the time period envisaged by the referring authority. Termination of individual and preventive treatments takes place upon reaching the age of majority, at the request of the parent/guardian or if all goals are met/at the suggestion of the professional team. Beneficiaries of preventive treatments are released in this way, while others are dismissed exclusively by an order of the court and the prosecutor. Also, within the program for each juvenile, there is a part related to their release, i.e. preparation of the beneficiary for termination of treatment, and this is implemented through conversations and guidance. They state that this should be done by the social welfare center staff and unfortunately the lack of post-penal treatment is a downfall of the entire system.

Minors have a daily rest, which is based on the individual plan or the plan of activities during the day, it is planned to have a morning break, and breaks after school, treatment, or after each activity there should be a period for rest.

Asked about the general impressions and assessment of the judicial system functioning as it comes to the juveniles in conflict with the law the professional staff members reply that they have an excellent cooperation with the court.

Work in the Institution is organized on weekdays and weekends from 0 to 24 hours.

The professional staff states that the security situation in the institution is satisfactory, there were no incidents.

When it comes to the impact of the Covid-19 virus pandemic, the expert staff states that it partly affected the rights of minors, i.e. there were bans on visits and bans on leaving the Institution. It was very difficult, in terms of organizing the processes themselves, but luckily the beneficiaries had a full understanding. They also state that if the child is to be placed in the Institution, he will be in isolation until the moment of testing. They organized a special room in the midst of the COVID-19 pandemic, which they use for isolation, and adopted a special Crisis Action Plan in accordance with the orders and recommendations of the Crisis Response Team. Asked how the pandemic reflects on the psychological state of the beneficiaries, they believe that it was not reflected given that the minors are here as implementation of the short-term measures.

As for health care, the staff states that there is a huge problem with health care and 50% of the beneficiaries do not have health care, or health insurance. Upon admission, professional staff ask parents to bring a health care booklet if the child has it and is insured. For health care needs of the beneficiaries the Institution has an official vehicle, a professional/medical worker for all types of examinations, obtains referrals, and even have instructions on how to act in such

situations. However, they have a big problem since most of them are not insured and when certain drugs are prescribed to a beneficiary, then the Institution has to pay for medicines, and examinations. The most common reasons for the lack of health insurance: drop out from regular schooling, parents cannot insure them or do not have health insurance, untimely registration with the employment bureau etc.

About the safety in the Institution, it is said that no major problem has occurred. However, the lack of physical protection exclusively in night shifts creates a feeling of fear among employees. There was a case where a beneficiary having a withdrawal crisis attacked a colleague. In such cases, the police are called and everything is described in the report. Testing for psychoactive substances is not carried out within the Institution, it is done in a medical facility based on referral to testing.

The Ombudspersons particularly commend the work of the professional staff of this Institution and the organization of working hours in such a way that there is always one member of the professional staff present in the Institution, which can only have positive effects on the treatment of minors. This Institution can be an example of good practice for all other institutions.

Recommendations of the Ombudsman of Bosnia and Herzegovina

Ombudspersons of Bosnia and Herzegovina recommend to the Government of the Sarajevo Canton, that is, Ministry of Labor, Social Policy, Displaced Persons and Refugees of Sarajevo Canton as follows:

- to ensure necessary financial resources in order to secure better physical protection of both the employees and the minor treatment beneficiaries in this Institution;

Deadline for the implementation of the recommendation: six months

- In their work, to ensure that daily schedule of activities be structured in a way that treatment activities - workshops and sections - be mandatory, including learning foreign languages, computer training and use of basic programs, photo cameras (organizing photography courses) and the like.

Deadline for the implementation of the recommendation: at once.

- Based on so far obtained licenses, in order to extend the part of building where the Diagnostic and Observation Administration is located, to ensure additional financial resources for the implementation.

Deadline for the implementation of the recommendation: six months

CPI „Educational Center of Tuzla Canton“

Public Institution “Educational Center“ of Tuzla Canton is a public institution established by the Law on the Establishment of the Public Institution. The organizational structure of the Educational Center includes the Director, the Department for the Execution of Educational Measures, the Department for Diagnostics and Observation and the special Department for General, Administrative, Economic - Financial and Technical Affairs. The Educational Center is located in a building owned by the City of Tuzla and is provided free of charge to the Government of Tuzla Canton. The Ombudspersons state that even three years after their last visit to this Institution in 2018⁹² the problem of construction of external stairs/separate entrance to the Educational Center has not been solved and access to the Institution for persons with disabilities has not been enabled.

The Ombudspersons still point out the need to find financial resources and obtain the necessary licenses, in order to build an external staircase/separate entrance to the Education Center, and to enable access for persons with disabilities. The Ombudspersons are also still concerned for the fact that minors during their admission to the Institution must pass through the entrance of the Tuzla Canton Employment Service.

Spatial capacities are satisfactory, as well as the equipment for the work with minors, both in educational and recreational sense. There is a table tennis room and the gym. According to the professional staff members⁹³, the hygiene of the premises of the Institution is maintained by the hygienist and the rooms where the children/beneficiaries stay are maintained by themselves. The quality of food was assessed as satisfactory, while the organization of meal preparation/delivery was assessed as unsatisfactory. In accordance with the signed agreement between the Educational Center and the Home for Children without Parental Care, two meals (lunch and dinner) are delivered from the Home.

The Ombudspersons commend the implementation of the recommendation from the Report - procurement of psychological tests which was implemented with the help of UNICEF BiH, the Bureau for Human Rights and the Ministry of Labor, Social Policy and Return of Tuzla Canton.

The dormitories are equipped with relatively new furniture, the rooms for recreation and workshops are well equipped. Due to the specifics of the building in which the Educational Center is located, a lack of adequate space for outdoor sports activities was noticed. Sports activities for the beneficiaries are organized on the sports playground/yard of the neighboring Secondary Mining School Tuzla, after the end of the school day, on weekends and possibly when the playground/yard is not occupied. There is no signed agreement on the use of the gym with

⁹² In order to prepare the Report on implementation of recommendations issued in a document titled „Analysis of situation in the institutions accommodating the minors in conflict with law in Bosnia and Herzegovina,, and assessment of the current situation (hereinafter: Report). The last visit was realized in June 2018 and the visit was also made in preparation for this Report

⁹³ During the visit to the Educational Center on 13 September 2021 on interview was conducted with the professional staff of the Institution

the mentioned school. According to the management, significant financial resources have recently been invested in the replacement of parquet and exterior doors and windows.

Recommendation of the Ombudsman issued in the Report to ensure necessary funds for the replacement of the exterior doors and windows where it was not done is implemented.

According to the data provided by the Institution⁹⁴, the Educational Center has 13 permanently employed persons. Out of it 10 has university education, while 3 have secondary school education. Those with university education are pedagogues-psychologists, a psychologist, a social worker, a social pedagogue, a lawyer and the economist. So, excluding the acting Director, directly involved with children are pedagogues-psychologists, social worker, psychologist and social pedagogue. As for the structure of the beneficiaries by their age⁹⁵, minors coming to the Educational Center as subject to the execution of the educational measure are in the age from 14 to 18, while those who are subject to professional diagnostic observational/ preventive treatments are in the age from 10 to 18. At the time of visit there was no beneficiaries permanently referred by the court or under preventive treatment. As for the structure of criminal offences committed by the minors, in 2020 the Educational Center executed educational measure toward 6 minors for the following criminal offences: aggravated theft - 2, violent behavior - 1, possession and enabling the use of narcotics - 1, light bodily injury - 1 and inflicting damage to another person's property - 1.

According to the data from the questionnaire, minors have access to education, and since the institution is semi-open, children are free to attend school outside the Institution.

Minors have communication with their families, they receive visits by the family members at least once a week, and by other persons twice a month. Minors are allowed to receive unlimited parcels, telephone calls at least twice a week, and are entitled to annual leave. They have access to the library within the Institution. TV and internet with expert's supervision.

All personal documentation related the beneficiaries is in their personal files, which are locked in a metal cabinet and is available only to professionals who are in direct contact with the beneficiaries. Other valuables are deposited in the safe. At the end of the treatment, the minors are given the deposited items back.

Children have access to primary health care, specialist services, while addiction treatment program is not provided. Medical examination is not carried out within 24 hours of admission because of the relevant rulebook provides that minors undergo a systematic medical check-up before they are referred to the Institution and because the law stipulates that their stay in the educational center could be a maximum 3 months.

Asked about the impact of the pandemic on the exercise of rights, the questionnaire states that in certain periods movement was restricted or prohibited, and that the Institution acted absolutely in

⁹⁴ Data obtained from a Questionnaire of 11 August 2021. The Questionnaire was filled in by Marina Tomić, acting Director

⁹⁵ Ibid

accordance with the orders, restrictions and instructions of the competent ministry. During this period, no visits were allowed, and children were provided with masks, gloves, and disinfectants. Also on the official website of the Institution, online customer support has been established.

Minors are entitled to complain, but in 2019 and 2020 there was no any complaints.

During the visit there was no minors in the Institution.

Interview with administrative and technical staff

The Tuzla Canton Education Center currently employs 12 people, who are deployed in the general department, treatment services and the department for the execution of educational measures. The general department currently employs 5 people: technical secretary, law graduate, procurement officer, economist, night watchman.

Due to the lack of professional staff when there are juveniles subject to the execution of an educational measure, all employees work in shifts and on weekends. Employees of the general department are dissatisfied with such organization of work, because they are not educated, nor are they additionally paid to work with minors. Such a regime of work prevents them from adequately performing their duties and tasks at the workplaces to which they are assigned. The work of the Institution is hampered by a lack of financial resources and professional staff to work with minors. Although the Ministry of Justice of Tuzla Canton does not have enough “willingness” to solve the problems of this Institution, good relations and understanding between employees, allow the Institution to work smoothly. They are not satisfied with the amount of their salaries, they neither have the possibility for promotion in the service nor the possibility of professional training. They do not have the status of civil servants, and therefore there is a big difference in salaries compared to other officials belonging to the same competent ministry.

During the pandemic, the Institution organized work in accordance with the recommendations and orders of the Crisis Response Teams and functioned without problems, they had enough masks, gloves, disinfectants. All employees complied with the prescribed measures. There was one case of corona virus infection in the Institution.

Employees of the General Department mention the following shortcomings in the work of the Institution: insufficient number of employees, work in shifts, work on weekends, salary, access to the Institution in general, passivity of the competent Ministry of Justice towards the Institution, conditions for work caused by the lack of equipment, and inadequate access to the facility (located on the third floor, no elevator). Advantages of working in the Institution: young staff, good cooperation and understanding of employees.

Interview with professional staff

During the interview with professional staff⁹⁶, it was emphasized that the structure is specific as it is conditioned in generational sense and periodically. There was a period when the beneficiaries were belonging to “addicts“, while in the other period there were those who committed theft, then it was violent behavior or inflicting the grave bodily injuries. During their admission to the Institution minors are made familiar with their rights and obligations, and given a copy of House Rules.

About treatment work with minors, that is, the treatment capacities, professional staff states that in both aspects, in terms of the preventive work and the implementation of educational measures, the quality and efficiency of services is at a satisfactory level.

The services provided by the Institution are: execution of court measures, preventive treatment and diagnostic - observational treatment. According to the data from the questionnaire, individual plans are made in the Institution, which include parents and children in a way that at any time during the implementation of treatment they can give their opinion or suggestions to improve treatment. At the end of the treatment, minors fill in a questionnaire in which they can also make their own suggestions regarding the improvement of the work of the Institution. They are also actively involved in drafting of an individualized treatment plan. During the treatment, progress is monitored and the goals set at the beginning are analyzed. At the end of the treatment, an assessment is made of the results that the juvenile has achieved in the treatment. Treatment work is based on an individual approach. Minors come with different problems, different ages, maturity and social status, so the conditions for group work are rarely met. Group work is carried out through the workshops in educational institutions. The institution employs seven members of the professional staff: psychologist, social pedagogue, pedagogue - psychologist, social worker and class teacher. Insufficient number of staff is especially problematic in cases when a minor is referred to a full-time stay, when due to the insufficient number of professional staff it is difficult to make any framework work plan of work in shifts. They are assisted by interns who were hired following a public competition notice announced by the Federal Ministry for Veterans' Affairs of the Tuzla Canton. The staff emphasizes that the expertise of the team is at a high level and most of the trainings they attend is funded by themselves in order to increase their capacity for work with minors, and they particularly emphasize the real need for supervision.

The services provided by the Institution are: execution of court measures, preventive treatment and diagnostic - observational treatment. Individual preventive treatment begins at the request of the Social Welfare Center, or if the school or parent notices a problem they have to follow the procedure to contact the Center, which collects necessary documentation and refers the child to the Institution.

Execution of a court measure is determined by the court, the Institution receives a decision in which the measure is determined so that the institution cannot influence the intensity of the

⁹⁶ During the visit to the Educational Center on 13 September 2021 and interview was held with professional staff of the Institution

measure, its task is to implement it. The approach is individual but this is limited to the extent determined by the court. At the end of the court measure, the minors are informed about the options available if they want to continue the treatment, and a report on the treatment is submitted to the Center and the court. There are three types of assessments of the needs of the beneficiaries: pedagogical, psychological and social before the treatment (preventive treatment). There is an entry questionnaire for parents, an entry questionnaire for a child, an entry evaluation and documentation from the Center, based on which an individualized plan for work with a child is prepared. Each child in preventive treatment is assigned a treatment administrator, who is appointed at the beginning of the treatment and is obliged to have all the information about the child.

Work of the Institution is organized in three shifts during the working days and on weekends (24 h), if the minor is referred to an continuous stay the treatment activities are carried out until 18 h. If the minor is included in educational process, the intensity of treatment is lower compared to those who are not included in educational activities. There are always at least two professional team members in the shift, and during the night shift there is one professional team member and a watchman.

A complete assessment is made for each juvenile and then an individualized treatment for the child is prepared - an individual plan and program of treatment/work. Upon the arrival of the minors, the Institution is informing them about the House Rules. The juvenile is respected from the very beginning of the treatment and the professional staff members believe that this fact greatly affects the course of treatment, because the child is asked at the beginning if he wants treatment, how he imagines the treatment and this increases his desire to undergo treatment. There is constant communication with the school attended by the minor because there are certain workshops that take place outside the Institution, which gave good results in terms of changing awareness, personal responsibility, learning, habits at school and at home. It is something they see as an advantage in their approach and work, which is the result of their previous experiences and educations. Minors participate in making plans such as annual plans, planning new services, the staff states that there is a questionnaire in which they state what they liked, what they did not like, what they would change and that the professional staff respects their opinion.

In respect of health care, the staff members claim that all the beneficiaries are entitled to health care.

The Ombudspersons particularly commend the work of the professional staff of this Institution and the organization of working hours in such a way that there is always one member of the professional staff present in the Institution, which can only have positive effects on the treatment of minors. This Institution can be an example of good practice for all other institutions.

Recommendations of the Ombudspersons of Bosnia and Herzegovina

Ombudspersons of Bosnia and Herzegovina recommend the Ministry of Justice and Administration of Tuzla Canton and Educational Center of Tuzla Canton to:

- Secure funds and necessary permits for the construction of external staircases thus providing access to the Institution for persons with disabilities.
Deadline for the implementation of the recommendation: One year.

- Secure necessary funds for supervision of the expert staff;
Deadline for the implementation of the recommendation: Three months.

V EXPERIENCES AND PROCEDURES OF THE COURTS, SOCIAL WELFARE CENTERS, AND PROSECUTORS IN PROTECTION OF CHILDREN IN CONFLICT WITH THE LAW

As pointed out in the research methodology, the institutions where children in the conflict with the law are placed have provided, *inter alia*, the data on the bodies competent for the referral of children into the institutions. To these competent bodies (referred to as external subjects) as designated in the replies of the institutions, we also sent the questionnaires and this part of the report includes the analysis of the provided answers. This part of the report summarizes and presents the analysis of the replies given by those responsible bodies including the courts, social welfare centers and prosecution offices.

The Ombudspersons highlight that the legislation governing the protection and treatment of children and juveniles in criminal proceedings provides the following:⁹⁷

„the judge and the prosecutor shall visit the juvenile placed in the institution for the execution of institutional measures at least twice a year, where, in direct contact with the juvenile and professionals involved in the execution of the measure, and based on the inspection of the relevant documentation, they determine the legality and regularity achieved in the upbringing and proper development of the personality of a minor. The persons referred to in paragraph 1 of this Article are obliged to inform the Ministry, as well as the institution in which the educational measure is carried out, about the identified faults and other observations. Having been informed by the judge or prosecutor, the Ministry, as well as the management of the institution in which the educational measure is carried out, are obliged to immediately carry out appropriate checks and take measures to eliminate illegalities and irregularities and inform the judge and prosecutor thereabout.“

In addition to that, legislation on the protection and treatment of juveniles in criminal procedures prescribes also the obligations of competent social welfare centers, that is, the guardianship authorities⁹⁸ in respect of the assistance after the execution of the institutional measures and juvenile prison sentence, or after the execution of criminal sanctions. Social welfare centers in the course of the execution of the institutional measure of juvenile prison sanction are obligated to maintain permanent contacts with the juveniles, their families and the institutions in which they are placed in order for the juveniles and their families to get prepared for the return into the previous social environment and their inclusion into their future social life. Furthermore, the institution in which an institutional measure or juvenile prison sentence is executed is obliged to inform the parents, adoptive parents or guardians of the juvenile, or the close relatives with whom the juvenile lived, as well as the competent social welfare body, at least 90 days before the planned release of the juvenile and suggest them the measures that should be taken to accept a minor. A parent, an adoptive parent or a guardian, or a close relative with whom the juvenile lived before the beginning of the execution of the institutional measure or juvenile prison

⁹⁷ Article 158 of the relevant law in Republika Srpska and Article 159 of the relevant law in the Federation of Bosnia and Herzegovina

⁹⁸ Articles 180, 181, 182 and 183 in Republika Srpska and Articles 181, 182, 183 and 184 in the Federation of Bosnia and Herzegovina

sentence, is obliged to inform the competent guardianship authority about the return of the juvenile to the family, and the competent social welfare body is obliged to provide the necessary assistance to the juvenile after the execution of a criminal sanction. In respect of the type of the assistance, after the execution of a criminal sanction the guardianship body should maintain contacts and cooperate with the competent ministries and other government and non-government bodies, institutions, companies, and individuals in order to assist the juvenile in finding the appropriate accommodation and social environment for living, to finish the started education and professional training, medical treatment if necessary for the protection of their physical and mental health, in finding job, providing food, clothes and financial resources for other needs in order to facilitate their reintegration into the community. Minors without any care and family environment, those without adequate parental care, as well as other vulnerable groups of children are subject of special care of guardianship authorities. After the release of a juvenile from an institution after the execution of an institutional measure or juvenile prison sentence, the competent guardianship authority is obliged to take special care of juveniles without parents, as well as juveniles whose family and material circumstances are unsettled. Special care of the social welfare authorities includes, in particular, accommodation, food, purchase of clothes, medical treatment, assistance in settling family circumstances, completion of vocational training and employment of minors.

5.1. Courts

A questionnaire was sent to the first instance courts that pronounced sentences to juveniles with the following questions: *Does juvenile judges maintain direct contacts with juveniles placed in institutions?, Does juvenile judges maintain direct contacts with professional staff working with institutionalized juveniles? Does juvenile judges have direct insight into the appropriate documentation to review legality and regularity of the procedures implemented toward the juveniles? Does juvenile judges consider the capacities for the treatment of institutionalized juveniles satisfactory?*

Basic Court in Dobož⁹⁹ in its organizational structure has five juvenile judges (criminal and misdemeanor department), but they do not visit juveniles twice a year. They maintain that the reason is that the reports provided to the judges by the professional staff dealing with the institutionalized minors are good in terms of quality and very detailed. They add that they found no reason for visits thus far, but it does not exclude this possibility in the future. Since the visits do not take place, the answers to all questions were negative.

Basic Court in Gradiška¹⁰⁰ in its organizational structure has two juvenile judges who visit juveniles placed in the institutions for the execution of criminal sanctions at least twice a year. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile. Since the visits take place, all replies were affirmative, but the judges do not have insight into the documentation and they do not make the assessments as to the capacity for treatment of the juveniles are satisfactory. The judges of this Court did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that

⁹⁹ Reply to the Questionnaire provided by the Basic Court in Dobož via e-mail dated 20 September 2021

¹⁰⁰ Reply to the Questionnaire provided by the Basic Court in Gradiška in a letter no.: 072-0-Su-21-000 925 dated 21 September 2021

the judge found that there were facts and circumstances compelling him to address a competent guardianship authority in the place of residence or abode of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law use the possibility to apply for conditional release.

Municipal Court in Lukavac¹⁰¹ in its organizational structure has two juvenile judges who visit juveniles placed in the institutions for the execution of criminal sanctions at least twice a year. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile. Since the visits take place, all replies were affirmative, but the judges do not have insight into the documentation and they do not make the assessments as to the capacity for treatment of the juveniles are satisfactory. The judges of this Court did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that the judge found that there were facts and circumstances indicating to the need to take measures on the protection *of the minor's rights and they did not address the competent guardianship authority* in the place of abode, or the residence of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law use the possibility to apply for conditional release.

Municipal Court in Cazin¹⁰² in its organizational structure has five juvenile judges who visit juveniles placed in the institutions for the execution of criminal sanctions at least twice a year, and the visit is realized by any judge. Since the visits take place, all replies were affirmative, but the judges do not have insight into the documentation and they do not make the assessments as to the capacity for treatment of the juveniles are satisfactory. The judges of this Court did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that the judge found that there were facts and circumstances compelling him to address a competent guardianship authority in the place of residence or abode of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law use the possibility to apply for conditional release.

Municipal Court in Bosanska Krupa¹⁰³ in its organizational structure has two juvenile judges who visit juveniles placed in the institutions for the execution of criminal sanctions at least twice a year. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile. Since the visits take place, all replies were affirmative and the judges did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that the judge found that there were facts and circumstances compelling him to address a competent guardianship authority in the place of residence or abode of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law use the possibility to apply for conditional release.

¹⁰¹ Reply to the Questionnaire provided by the Municipal Court in Lukavac in a letter: 126-0-Su-21-000-639 dated 22 September 2021

¹⁰² Reply to the Questionnaire provided by the Municipal Court in Cazin via e-mail dated 24 September 2021

¹⁰³ Reply to the Questionnaire provided by the Municipal Court in Bosanska Krupa via e-mail dated 28 September 2021

Municipal Court in Tuzla¹⁰⁴ in its organizational structure has two juvenile judges who visit juveniles placed in the institutions for the execution of criminal sanctions at least twice a year. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile. In the previous period the judges did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that the judge found that there were facts and circumstances compelling him to address a competent guardianship authority in the place of residence or abode of the minor.

Basic Court in Prnjavor¹⁰⁵ in its organizational structure has five juvenile judges who visit juveniles placed in the institutions for the execution of criminal sanctions at least twice a year. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile. However, in the previous period they did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that the judge found that there were facts and circumstances compelling him to address a competent guardianship authority in the place of residence or abode of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law do not use the possibility to apply for conditional release.

Basic Court in Zenica¹⁰⁶ in its organizational structure has eight juvenile judges who visit juveniles placed in the institutions for the execution of criminal sanctions at least twice a year, but they do not have an expert advisor psychologist. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile at least twice a year. In the previous period they did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that the judge found that there were facts and circumstances compelling him to address a competent guardianship authority in the place of residence or abode of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law use the possibility to apply for conditional release.

Basic Court in Kakanj¹⁰⁷ in its organizational structure has six juvenile judges (two for main hearing, while others participate in other phases of the proceedings) who visit juveniles placed in the institutions for the execution of criminal sanctions at least twice a year. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile. In the previous period they did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that the judge found that there were facts and circumstances compelling him to address a competent guardianship authority in the place of residence or abode of the minor. As for conditional release it was stated the case-law of this court did not register such cases.

¹⁰⁴ Reply to the Questionnaire provided by the Municipal Court in Tuzla in a letter no.: 032-0-Su-10-21-000 013 dated 28 September 2021

¹⁰⁵ Reply to the Questionnaire provided by the Municipal Court in Cazin via e-mail dated 17 September 2021

¹⁰⁶ Reply to the Questionnaire provided by the Municipal Court in Zenica in a letter no.: 043-0-Su-21-001525 dated 15 September 2021

¹⁰⁷ Reply to the Questionnaire provided by the Municipal Court in Kakanj via email dated 16 September 2021

Basic Court in Banja Luka¹⁰⁸ in its organizational structure has six juvenile judges in criminal department, two in misdemeanor department and one expert advisor, a psychologist. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile at least twice a year. In the previous period they did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that the judge found that there were facts and circumstances compelling him to address a competent guardianship authority in the place of residence or abode of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law use the possibility to apply for conditional release.

Basic Court in Brčko District of Bosnia and Herzegovina¹⁰⁹ in its organizational structure has one juvenile judges who visit juveniles placed in the institutions for the execution of criminal sanctions at least twice a year. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile. In the previous period they did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that the judge found that there were facts and circumstances compelling him to address a competent guardianship authority in the place of residence or abode of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law use the possibility to apply for conditional release.

Municipal Court in Sarajevo¹¹⁰ in its organizational structure has two juvenile judges who visit juveniles placed in the institutions for the execution of criminal sanctions at least twice a year, with an exception of the year of pandemic when these visits were regular, but not exactly every six months. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile. They did not observe any faults any faults in the work of the institutions as it did not happen during the execution of a criminal sanction and did not address a competent guardianship authority in the place of residence or abode of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law do not use the possibility to apply for conditional release.

Municipal Court in Bosanska Krupa¹¹¹ in its organizational structure has two juvenile judges who visit juveniles placed in the institutions for the execution of criminal sanctions at least twice a year. The judge who delivered a decision on placement of a juvenile in the institution pays visits to this juvenile. They did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction and did not address a competent guardianship authority in the place of residence or abode of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law do not use the possibility to apply for conditional release.

¹⁰⁸ Reply to the Questionnaire provided by the Basic Court in Banja Luka via email dated 15 September 2021

¹⁰⁹ Reply to the Questionnaire provided by the Basic Court in in Brčko District of Bosnia and Herzegovina via email dated 13 September 2021

¹¹⁰ Reply to the Questionnaire provided by the Municipal Court in Sarajevo via email dated 14 September 2021

¹¹¹ Reply to the Questionnaire provided by the Municipal Court in Bosanska Krupa in a letter no. 018 0 SU 21 000331 dated 28 September 2021

Municipal Court in Gradačac¹¹² in its organizational structure has two juvenile judges. Asked *Whether a juvenile judge visits a juvenile placed in an institution for the execution of institutionalized sanctions* they answered that only one person was convicted by this Court and is placed in Juvenile Educational and Reformatory Facility, and the judge who delivered this decision was retired, but she intended to visit this juvenile in 2020. As for the answers to other questions they did not have information.

According to the replies to the Questionnaire, the Municipal Court in Gračanica¹¹³ has two juvenile judges. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile. During this visit the judge has direct contact with the juvenile and professional staff members, but does not have an insight into the documentation. Asked *Whether the juveniles use the possibility to apply for conditional release* they reply that they do not possess such information since such request is addressed to the institution in which a juvenile is placed.

Municipal Court in Živinice¹¹⁴ in its organizational structure has two juvenile judges. The judge who passed a decision on placement of a juvenile in the institution pays visits to this juvenile at least twice a year. In the previous period they did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that the judge found that there were facts and circumstances compelling him to address a competent guardianship authority in the place of residence or abode of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law use the possibility to apply for conditional release.

Municipal Court in Mostar¹¹⁵ in its organizational structure has five juvenile judges. The judge who delivered a decision on placement of a juvenile in the institution pays visits to this juvenile, however, currently these visits are not taking place, which is justified by the judge's sick leave. In the previous period they did not observe any faults in the work of the institutions as it did not happen during the execution of a criminal sanction that the judge found that there were facts and circumstances compelling him to address a competent guardianship authority in the place of residence or abode of the minor. As for the conditional release, it was stated that the juveniles in conflict with the law use the possibility to apply for conditional release.

5.2. Social welfare centers/social protection services

Social welfare centers from the municipalities/towns/cantons in which the minors placed in institutions have the residence were sent the questionnaires with the following questions: *Do you maintain regular contacts with a minor placed in an institution for the execution of institutional sanctions during the execution of each particular sanction? What type of contact do you maintain and how often? Please describe. Which persons from your Institution maintain the*

¹¹² Reply to the Questionnaire provided by the Municipal Court in Gradačac in a letter no. 028-0-Su-21-000-654 dated 16 September 2021

¹¹³ Reply to the Questionnaire provided via email on 08 October 2021

¹¹⁴ Reply to the Questionnaire provided by the Municipal Court in Živinice in a letter no.: 033-0-Su-21-00001 Om dated 27 September 2021

¹¹⁵ Reply to the Questionnaire provided by the Municipal Court in Mostar in a letter no.: 058-0-SU-2184/21 dated 26 October 2021

mentioned contact with the minor? Is it always the same person for all the minors? Do you maintain regular contacts with the family of minors placed in institutions for the execution of institutional sanctions during the execution of the sanction? If the answer is yes, please describe what type of contact it is and how often? Please describe. Which persons from your Institution maintain the mentioned contact with the minors and their families? Is it always the same person for all the minors and the families? Do you maintain regular contacts with the institution in which the minor is placed? If the answer is yes, please describe what type of contact it is and how often? Please describe. Do the social protection services work with the minors during their preparation for release? Do you assist the minors after their release in finding the accommodation and environment in which they will live after their release from the Institution? Please describe. Do you assist the minors after their release to finish their education and professional training? Please describe. Do you assist the minors after their release in medical treatment for the protection of their physical and mental health? Please describe. Do you assist the minors after their release in finding job? Please describe. Do you assist the minors after their release in securing food, clothes and financial resources? Please describe. In which way you take care of minors without the parental care? Please describe only if you had concrete examples in your work.

Organizational structure of the Institution „Social Welfare Center of Mostar Town“¹¹⁶ includes a team of 6 professionals specialized for the protection of children and youth with behavioral disorders, and does not maintain regular contact with minors placed in institutions for the execution of institutional sanctions during the execution of the sanction. Contacts are maintained from time to time by telephone. Contact is made by social workers. Contacts with the family of minors are not regular, they are made by social workers if necessary by phone or home visits to the family. Social workers do not have regular contacts with the institutions where minors are placed. Contact is maintained as necessary. Social protection services do not work with a juvenile in preparation for release, because currently they do not have any juveniles being prepared for release, i.e. whose sanction is about to expire. After the execution of the criminal sanction, the Institution did not provide assistance in finding accommodation and the environment in which the juvenile would live after the expiration of the sentence, because so far they have not had such requests, and the Center does not have a housing unit. After the execution of the criminal sanction, the Center provides assistance to minors in order to complete the started education or professional training, in a way that helps them in enrolling and obtaining documentation. The Center does not provide assistance in the treatment of juveniles if treatment is needed to protect their physical and mental health after the execution of a criminal sanction. They do not provide health services, but have the option of arranging a visit to the doctor. The juvenile is not provided with assistance in finding employment after the execution of the criminal sanction, but they can give a recommendation, which the employer may or may not accept. After serving the sentence, the minor is enabled to exercise the rights from social protection that are prescribed by laws and bylaws.

Organizational structure of the Public Institution Social Welfare Center of Bosanska Krupa¹¹⁷ includes one expert associate specialized for the protection of persons with asocial and antisocial

¹¹⁶ Data obtained from the questionnaire filled in on 28 September 2021

¹¹⁷ Data obtained from the questionnaire filled in on 23 September 2021

behavior (social worker). They make regular contact with the juvenile placed in the institution for the execution of institutional sanctions, which takes place through a social worker from the Orašje Institute because the juvenile did not have a personal phone. In all cases, contact is made through the same person - a social worker who works with children in conflict with the law. Contact with the family of minors is maintained regularly, and is realized through visits to the family approximately once a month and telephone contacts (for a period of 7-10 days), but also a conversation in the premises of the Center whenever the parents show up in person. The social worker makes regular contact with the institution where the minor is placed, through regular telephone contacts and regular written monthly reports. During the preparation for release, the social protection service does not work with the minor, and the preparation for release is done by the Institute where the minor is placed. After the execution of the criminal sanction, the juvenile is not provided with assistance in finding accommodation and the environment in which he will stay. The minor is returned to the biological family, and the family is prepared for the return of the minor. After the execution of the sanction, minors are provided with the assistance in order to complete their education, in a way that an extraordinary exams for the completion of education be organized with the school. Also, the juvenile is given assistance in treatment for the protection of his physical and mental health, in such a way that the Center for Mental Health organizes treatments with a psychologist and neuro-psychiatrist once a month, and more often if necessary, as long as there is a need for assistance. After the execution of the criminal sanction, the minors have not been given assistance in finding job so far, because the juveniles found job on their own. After leaving the institution, the family of the juvenile is given a one-time financial assistance in cash and in kind, and in one concrete recent case, in addition to that, the family was given an extraordinary financial assistance for procuring medicines for the juvenile's mother because she had certain health difficulties.

Organizational structure of the Social Welfare Center of Prnjavor¹¹⁸ includes one expert associate – psychologist and a social worker. Direct contact is maintained with the juvenile placed in the institution for the execution of institutional sanctions by visiting the correctional facility, and by contacting the professional service. Contact with the family of the minor is maintained by telephone, and a discussion of the proposed measures is taking place. Contact is made through a psychologist, who maintains contact with the institution where the minor is placed. The social protection service works with a juvenile in preparation for release, provides medical assistance to protect the juvenile's physical and mental health, and assists the juvenile in finding employment after the execution of a criminal sanction.

Organizational structure of the Social Welfare Center of Cazin¹¹⁹ includes a social pedagogue, a social worker and a psychologist and they do not maintain regular contact with the juvenile placed in institutions for the execution of institutional sanctions during the execution of the sanction. Contact is not maintained directly with the juvenile but indirectly through the officials of the institution where the juvenile is placed. Contact is made by professionals making part of the expert team specialized for the minors in conflict with the law (social pedagogue, social worker and psychologist). Contact with the juvenile's family is made as necessary through professionals making part of the expert team, at the request of the institution where the juvenile

¹¹⁸ Data obtained from the questionnaire filled in on 12 October 2021

¹¹⁹ Data obtained from the questionnaire filled in on 16 September 2021

is placed, in case that the juvenile is entitled to the use of IEPs such as family visits and prior to the release of the juvenile from the institution. The expert team specialized in minors in conflict with the law makes contact with the institution where the minor is placed orally, by telephone or in writing in the form of a report on the treatment of minors, and through occasional visits to the institution where the minor is placed. These visits take place once in three months, and more often if necessary. During the preparation for release, employees from the institution where the minor is placed work with the juvenile, while the social protection service works with the juvenile's family. After the execution of a criminal sanction, all juveniles returned to their biological families or reception camps in which they were placed prior to their referral to the execution of a sanction. The social protection service, in cooperation with the competent ministry and the school, enables the continuation of the education and training of minors after the execution of a criminal sanction.

If juveniles need treatment for the protection of their physical and mental health after the execution of a criminal sanction, the social welfare service, in cooperation with the health institution, arranges treatments and appointments for the juveniles. The juveniles are given assistance in finding employment after the execution of the criminal sanction, and are also entitled to a one-time financial assistance in a certain amount according to their current needs.

Organizational structure of the PI „Social Welfare Center of Tuzla“¹²⁰ includes two social workers, two pedagogical psychologists and two psychologists. They maintain regular contact with minors placed in the institutions for the execution of institutional sanctions, through visits and cooperation with employees of the institution. Frequency of contacts depends on the duration of the measure. Contact with the family of minors is taking place through family visits and telephone contacts. In the same way, regular contact is maintained with an institution where the juvenile is placed, through psychologists, pedagogues, psychologists and social workers. During the preparation for release, the social protection service works with the juveniles, and after the execution of the criminal sanction, they provide assistance to the juveniles in finding accommodation and the environment in which they will live after leaving the institution. The juvenile is given assistance in completing the education and professional training, as well as the employment, as well as assistance in treatment for the protection of physical and mental health. After the execution of the criminal sanction, the juvenile is given assistance in providing food, clothing and financial resources. Minors without parental care are primarily placed in foster families or social welfare institutions.

Organizational structure of the PI Social Welfare Center of Gračanica¹²¹ includes three graduate social workers, one graduate psychologist and one graduate lawyer. Regular contact with the juvenile is maintained during the placement in the institution for the execution of institutional sanctions by phone and, if necessary, occasional visits to the institution. These contacts are made by graduate social workers and graduate psychologists. Contact with the family of the minor is maintained regularly through telephone conversations and visits to the family, as well as conversations in the premises of the Social Welfare Center. Contact is made by graduated social workers and a graduated psychologist, more precisely a professional worker in charge of the

¹²⁰ Data obtained from the questionnaire filled in on 13 September 2021

¹²¹ Data obtained from the questionnaire filled in on 13 September 2021

local community in which the minor lives, since the professional workers are distributed among local communities. Contact with the institution where the minor is placed is made by telephone.

During the preparation for release, the social protection service works with the juvenile, and after the execution of the criminal sanction, they provide assistance to the juvenile in the form of preparation for the return to the family. Contact and cooperation with the school is established, and support is provided depending on the needs of the family. After the execution of the criminal sanction, the juvenile is given assistance in obtaining health insurance, establishing cooperation with a health institution, as well as cooperation with a social worker from the health center. The juvenile is assisted in finding employment by establishing contact with employers and the Employment Service if necessary. Depending on the needs of the family, financial aid is granted, and packages with basic foodstuffs are provided, as well as hygiene supplies in cooperation with NGOs.

Organizational structure of the PI Social Welfare Center of Živinice¹²² includes one pedagogue psychologist and six social workers. The pedagogue-psychologist maintains contacts with the minor through the employees of the institution in which he is placed or by visits as necessary. Contact with the family of the minor is maintained as necessary through telephone conversations and visits to the family, as well as conversations in the premises of the Social Welfare Center. Contact is made by a pedagogue, psychologist and social worker. Contact with the institution where the minor is placed is made by telephone or visit. Institutions in which minors are placed regularly provide reports on the behavior of minors.

Social protection service does not work with the juvenile during the preparation for release, however, they provide assistance to the juvenile in finding accommodation and the environment in which he will live after leaving the institution, all in cooperation with the family. They do not provide medical assistance to protect the minor's physical and mental health, as they are referred to the competent health center if necessary. They do not provide assistance to a juvenile in finding employment after the execution of a criminal sanction. After the execution of the criminal sanction, the juvenile is entitled to a one-time financial assistance.

Organizational structure of the PI Social Welfare Center of Velika Kladuša¹²³ includes three employees engaged in work with children, they are a social worker, a psychologist and a lawyer. They do not maintain direct contact with the juvenile placed in the institution for the execution of institutional sanctions, they receive information about the juvenile's condition and the degree of the rehabilitation process from the institution where they are placed during the sanction. Contact with the family of the minor is maintained from time to time, and is achieved through a social worker, psychologist and lawyer. Contact with the institution where the minor is placed is maintained by the lawyer and social worker by telephone or written correspondence. Institutions where minors are placed provide quarterly reports on the implementation of treatment for minors.

¹²² Data obtained from the questionnaire submitted on 21 September 2021

¹²³ Data obtained from the questionnaire submitted on 05 October 2021

Social protection service does not work with a minor during the preparation for release, and in their work they did not have an example of a case that required assistance in finding accommodation and the environment in which they will live after leaving the institution. The same applies to the provision of medical assistance to protect the juvenile's physical and mental health, and assistance to the juvenile in finding employment after the execution of a criminal sanction. Juveniles have the opportunity to complete their education and professional development during the execution of a criminal sanction, and for that reason the social protection service does not need to provide assistance to a juvenile in completing the started education and professional training. After the execution of the criminal sanction, the juvenile is entitled to a one-time financial assistance.

Public Institution „Cantonal Social Welfare Center“ Sarajevo¹²⁴ is organized in eight social protection services in the municipalities located on the territory of Sarajevo Canton. Each of these services organized their work according to professional fields one of them being the protection and treatment of children and youth with behavioral disorders and the members of their families.

Organizational structure of the Public Institution „Social Welfare Center“ Sarajevo includes a social worker, a psychologist and a pedagogue. Regular contact with the juvenile is maintained during the placement in the institution for the execution of institutional sanctions through visits, or telephone if possible. Contacts are held once a month or more often if necessary, which is achieved through pedagogues, psychologists and social workers. Contact with the family of minors is maintained regularly, through pedagogues, psychologists and social workers through telephone conversations and visits to the family, as well as counseling in the premises of the Social Welfare Center. Contact with the institution where the minor is placed is made by telephone, visit, and joint meetings as necessary. During the preparation for release, the social protection service works with the juvenile, and after the execution of the criminal sanction, they provide assistance to the juvenile in the form of the preparation for return to the family. The minor is provided with assistance in enrolling in school, choosing a profession, in form of the assistance in employment through psychosocial assistance, and assistance in treatment to protect his physical and mental health through cooperation with health care institutions. After the execution of the criminal sanction, the juvenile is provided with financial assistance by the social protection service, as well as assistance through NGOs.

Social protection service of the Municipality of Vogošća¹²⁵ for the protection and treatment of children and youth with behavioral disorders and the members of their families currently employ one social worker, while a pedagogue and a psychologist from the organizational unit of the protection of the families are included as necessary. Regular contact with juveniles are maintained during their placement in the institutions for the execution of institutional sanctions through visits, and the number of visits depends on the occasion, need, assessment and agreement with the pedagogue from the institution. Contact with the juvenile's family is maintained if it is assessed as necessary via telephone calls and family visits, as well as contacts on the premises of the Service. Contacts are maintained by a pedagogue, psychologist and social

¹²⁴ Data obtained from the questionnaire filled in on 20 September 2021

¹²⁵ Data obtained from the questionnaire filled in on 20 September 2021

worker as necessary. The pedagogue makes contact with the institution where the juvenile is placed on a weekly basis or more often if necessary, in form of joint meetings and telephone contacts during which all issues related to the juvenile are agreed upon. During the preparation for release, the social protection service works with the juvenile if necessary and if it is a joint assessment of the service and the institution. Social protection service did not have a case of providing assistance to the minor in finding accommodation and the environment in which he will live after serving the sanction, because the minors always returned to their biological family. The juvenile is assisted through cooperation with the school and preparation of joint plans to help the juvenile complete education, as well as medical assistance for the protection of physical and mental health through co-operation with social workers employed at the mental health center and general health center, the Ministry of Education or the municipality if the juvenile does not have regulated health insurance, also with the Institute for the Treatment of Addiction if the juvenile is addicted, as well as, if necessary, organizations dealing with the preservation and protection of mental health. After the execution of the criminal sanction, the juvenile is provided with assistance in obtaining health insurance, establishing cooperation with a health institution, as well as cooperation with a social worker from the health center. The juvenile is assisted in finding employment by establishing contact with employers and the Employment Service if necessary. Depending on the needs of the family, financial aid is provided, and packages with basic foodstuffs, as well as hygiene supplies in cooperation with NGOs. They do not provide assistance to the juvenile in finding employment after the execution of the criminal sanction, but they instruct the juvenile to register with the Employment Bureau. After the execution of the criminal sanction, the juvenile is provided with a one-time financial assistance, in accordance with the Law on Social Protection. A guardian is appointed to a minor without parental care who, with the support and assistance of experts from the service, takes care of the minor and all his/her needs and in all areas of life. In this particular case, the minor's sister was appointed to be his guardian, with whom he continued to live after leaving the institution.

Organizational structure of the Social Protection Service of the Municipality of Novo Sarajevo¹²⁶ includes three expert associates – a social worker, – a pedagogue and – a psychologist. The juveniles are contacted by a social worker and a pedagogue during their stay in the institution for the execution of institutional sanctions, through visits at least twice during the stay in the institution.

Contact with the family of the minor is maintained regularly, a visit to the family and insight into family circumstances is mandatory, as well as counseling work with family members. Contacts with minors are maintained by a social worker and a pedagogue, depending on the need, i.e. their professional assessment. Contact with the institution where the minor is placed is made by a pedagogue and a social worker, by phone and during visits when employees of the institution exchange experiences. During the preparation for release, the social protection service works with the minor. The social protection service provides assistance to the juvenile in finding accommodation and the environment in which he will live after serving the sanction in the form of counseling work with the juvenile who returns to the family after the criminal sanction has been served. The juveniles are assisted through cooperation with the school and family so that the juveniles complete their education. Help and support is provided to the family during the treatment if it is necessary for the protection of the juvenile's physical and mental health. The

¹²⁶ Data obtained from the questionnaire filled in on 20 September 2021

juvenile is not assisted in finding employment. If there is a need after the criminal sanction, the juvenile is assisted by granting occasional financial assistance, and exercising other rights not only for the juvenile but also his family, as well as the involvement of NGOs, if necessary. For children without parental care, special care is provided for the exercise of all rights in areas that fall within the responsibility of the service, such as advisory work, and cooperation with NGOs operating in the Sarajevo Canton, for more comprehensive support. Depending on the needs of the family, financial aid is provided, and packages with basic foodstuffs are provided, as well as hygiene supplies in cooperation with NGOs. They do not provide assistance to the juvenile in finding employment after the execution of the criminal sanction, but they instruct the juvenile to register with the Employment Bureau. After the execution of the criminal sanction, the juvenile is provided with a one-time financial assistance, in accordance with the Law on Social Protection. A guardian is appointed to a minor without parental care who, with the support and assistance of professional staff within the service, takes care of the minor and all his/her needs and in all areas of life. In this particular case, the minor's sister was appointed to be his guardian, with whom he continued to live after leaving the institution

Organizational structure of the Social Protection Service of the Municipality of Novi Grad¹²⁷ includes three expert associates – one pedagogue and two social workers. The contact with the minor is made by a social worker and pedagogue from the organizational unit for the protection and treatment of children and youth with behavioral disorders and their family members. Contact is maintained once or twice a month, and if necessary more often, through visits to the institutions and interviews. The frequency of visits depends on the institution in which they are placed and the duration of the measure imposed.

Contact with the institution where the minor is placed is made by a pedagogue and a social worker, by phone and through visits, as well as in writing. Institutions regularly submit reports on the course of treatment of juveniles in accordance with the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings of the FBiH. During the whole course of the implementation of a measure, they maintain contact over the phone, and visits are also made, their frequency depends on the needs of minors, as well as the length of the imposed educational measure. During the preparation for release, the social protection service works with the minor if the need arises. In their practice so far, they did not need to provide assistance to the juvenile in finding accommodation and the environment in which they will live after serving the sanction because the juveniles returned to their families, but in case of need, this type of assistance would be provided. The juvenile is provided with continuous assistance and support at the end of primary education, as well as secondary education for regular students. However, they do not have enough funds for part-time students to provide part-time exams for secondary education. Minors and their parents are referred and given guidelines on how they can regulate health insurance. If it is assessed that for the sake of their health there is a need to be included in the Mental Health Center, they are included, and the cooperation with the Mental Health Center continues as necessary.

The juvenile is provided with assistance in finding employment through professional counseling and by providing information, although they do not have the opportunity to provide systemic

¹²⁷ Data obtained from the questionnaire filled in on 20 September 2021

support, i.e. to secure them job. After the execution of the criminal sanction, the juvenile is provided with one-time or exceptional assistance in accordance with the Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children. A guardian is appointed for a minor without parental care and care measures are taken that include accommodation, food, treatment, education and other needs.

Organizational structure of the Social Protection Service of the Municipality of Ilidža¹²⁸ includes two expert associates – a pedagogue and a social worker. The contact with the minor is made by a social worker and pedagogue from the organizational unit for the protection and treatment of children and youth with behavioral disorders and their family members. Contacts are regularly maintained in the form of telephone contacts with the employees of the institution, written correspondence, as well as visits as necessary and in accordance with the possibilities. Contact with the family of the minor is made by telephone, conversations in the premises of the service, visits to the residential address if necessary and at the request of the family. Contact with the institution where the minor is placed is made by a pedagogue and a social worker, by phone, in the form of visits to the institution and regular written correspondence in the form of reports or other requests of the institution. The social protection service does not participate in the preparation of the juvenile for release, as this is mainly made by the institution where the juvenile is placed, while the social protection service can be engaged in the preparation of the family. The social protection service prepares the return of the minors to the family, but they do not have available housing units at their disposal that they could use to provide them with accommodation. Depending on the situation after the release of a minor, the social protection service provides all kinds of support in accordance with legal possibilities. A minor is provided with assistance in completing education if in the meantime the person has not reached the age of majority, as it is in most cases. If the minor has not completed primary school, the service corresponds and provides support in completing primary education, as it is also free. When it comes to secondary education, the service is not able to finance the completion of part-time secondary education, because it does not have a budget for financing. After the execution of the criminal sanction, if it is a minor who does not have regulated health insurance, an attempt is made to regulate it, and if necessary, the minor is given support, both in counseling and in the form of referral to appropriate institutions. The juvenile is not assisted in finding employment. After the execution of the criminal sanction, the juvenile is provided with a one-time financial assistance in accordance with the Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, and if he meets the legal requirements, he is entitled to have a hot meal - use the public kitchen.

Organizational structure of the Social Protection Service of the Municipality of Hadžići¹²⁹ includes the following expert associates – a pedagogue, a psychologist and a social worker. Contact with the juvenile is made by the case manager, and often members of the expert team are involved, if a measure is imposed that does not imply accommodation in the institution, but implies visiting it, contact is made immediately before the sentence. Contact with minors are made depending on the institution in which they are placed, and it includes direct information on the effects of stay and identification of their needs. Also, while the minors are in the institution,

¹²⁸ Data obtained from the questionnaire filled in on 27 September

¹²⁹ Data obtained from the questionnaire filled in on 04 October

contact is made with their families in order to prepare them for their return, and there is regular cooperation with employees of the institution in which he is placed. Depending on the type of a measure and the placement of a minor in the institution, contacts with the family are made with the aim of examining the conditions for his return to the family, strengthening parental capacities and competencies and providing other necessary types of assistance. Contact with the institution in order to get regular information on the course and implementation of a measure toward the minors, collection of data to be used in future work and planning activities to provide assistance and support to minors and families. There are regular telephone contacts, written and oral correspondence etc. The social protection service mainly participates in the preparation of minors for release, depending on the measure, and the type of placement. They provide assistance in finding accommodation for minors by examining every possibility to provide a safe environment for minors when leaving the institution. If the minor needs assistance in order to get medical treatment, cooperation with health institutions is established. The juvenile is assisted in finding a job, but there are rare situations in practice where the juvenile has reached the stage of finding a job, because they are usually at the age when they attend school. After the execution of the criminal sanction, the juvenile is provided with services in the field of social protection through certain material means. Caring for minors without parental care means, above all, their adequate care and regulation of guardianship issues. When this is regulated, when the minor has a family that takes care of him and a guardian who protects his rights and interests, every other type of assistance is provided with identified needs.

Organizational structure of the public institution „Social Welfare Center Banja Luka“¹³⁰ includes a pedagogue and a social worker and one physical education teacher. The Center maintains direct contact with juveniles placed in institutions for the execution of institutional sanctions through visits, once a month. In addition, the group educator cooperates continuously, by phone, without predetermined dynamics. Communication is usually conditioned by certain needs of the child or his family. Contact with the Institution, as a rule, is made by a professional worker who "accompanied" the child during all previous actions (Police, Court, guardianship authority). Contacts with the family of the minor are occasional and made at the explicit insistence of a professional worker of the Center. These contacts are superficial and tense, because the parents avoid it, believing that they are not obligatory. They have regular communication with the institution where the child is placed, because they perceive it as an obligation and a mutual interest. Contacts with parents take place in the Center, and are planned with the aim of strengthening the family system for accepting a child after leaving the institution. One of the important aspects is the stabilization of the environment that would be optimal for its further functioning. Professional worker who has regular contacts with the institutions where the minors are placed. Contact is maintained directly and by telephone, once or more a month. Professional workers, in consultation with the Social Welfare Center, work with the minor during the preparation for release. After the execution of the criminal sanction of the institution within the service "post-penal protection/post-institutional protection", the child has the opportunity to exercise a number of rights and services in the field of social protection. Knowing the whole situation, the expert associate plans support, but its realization is largely dependent on the child and parents. They often think that they have the capacity and that they do not need the help of the Center, not even money. After the execution of the criminal sanction, the Center provides

¹³⁰ Data obtained from the questionnaire filled in on 14 October 2021

assistance to minors, which includes support in education, and it ranges from organization to participation in covering costs. The center provides assistance in the treatment of minors, and forms of support relate to psycho-social and material. After the sanction has been served, if the child/person has acquired a certain title, he/she is assisted in finding employment, although this activity has been realized the least so far. In the previous period, the Center had at its disposal certain resources, provided through a memorandum of cooperation, in manufacturing companies that accepted the beneficiaries, offering them employment. Lately, employment assistance has been provided through a written recommendation from the Center or possibly private acquaintances, which is very rare. After serving the sentence, the juvenile is provided with assistance in providing food and nutrition from the funds of the Center and the local community. They are entitled to the financial assistance, while food and clothing are provided through humanitarian organizations and citizens' associations. A child without parental care is cared for like other children in this category. The usual ways are finding foster care or placement in the "Rade Vranješević" Orphanage.

Organizational structure of the public institution Social Welfare Center Doboj¹³¹ includes four employees who work with children in conflict with the law. Contact with a minor is regularly maintained through telephone contacts and visits to institutions. The contact is made by the aforementioned employees and is made with the family of the minor once a month via telephone contact, and through occasional visits to the family.

The expert team members specialized in minors in conflict with the law make contact with the institution where the minor is placed through monthly telephone contacts (if necessary more often) and through reports from the institution. The social protection service, in cooperation with the institution in which the juvenile is placed, prepares him for release. After the execution of the criminal sanction, all juveniles returned to their biological family where they were placed before going to the institution. The social protection service, in cooperation with the competent ministry and school, enables the continuation of education and training of minors after the execution of a criminal sanction. The juvenile is not provided with assistance in finding employment after the execution of the criminal sanction, but certain financial support is provided in accordance with the Law on Social Protection.

Organizational structure of „Social Welfare Center Gradačac“¹³² includes one employee, a social worker. They do not maintain contacts with minors placed in the institutions for the execution of institutional sanctions during the duration of the sanctions because they are busy with other duties. Contacts with the families of minors are not regular and are maintained by a social worker and an officer specialized in juvenile delinquency. From their replies to the questionnaire it can be concluded that they maintain regular contacts with the institution placing the minor, this contact is made by the juvenile officer, and the center regularly receives reports from these institutions. The social protection services work with the juvenile during the preparation for release, and after the execution of the criminal sanction, the Institution provides assistance if necessary in finding accommodation and the environment in which the juvenile would live after the expiration of the sentence. After the execution of the criminal sanction, the Center provides

¹³¹ Data obtained from the questionnaire filled in on 12 October 2021

¹³² Reply to the questionnaire by PI Social Welfare Center Gradačac no.: 01/3-09-1237-2/21 dated 12 October 2021

assistance to minors in order to complete the started education or professional training, by submitting applications to educational institutions. This institution provides assistance in regulating health care and provides assistance in the treatment of minors in order to protect their physical and mental health. It also provides assistance to the juvenile in finding employment by forwarding applications for employment, and provides him with a one-time financial assistance after the execution of a criminal sanction.

5.3. Prosecutor's offices

The Ombudsman sent questionnaires to the competent prosecutor's offices that participated and conducted proceedings against juveniles placed in the institutions. The questionnaires had the following questions: *How many juvenile prosecutors do you have in your prosecutor's office? Do juvenile prosecutors visit juveniles placed in institutions for the execution of institutional sanctions at least twice a year? Who visits a minor: a juvenile prosecutor who participated in conduction the investigation against a minor placed in the institution or any juvenile prosecutor or other prosecutor not involved in juvenile offence cases? Does juvenile prosecutor have a direct contact with a minor placed in an institution? Does juvenile prosecutor have a direct contact with professional staff dealing with the juveniles in the institution? Does juvenile prosecutor have a direct insight into the relevant documentation to assess legality and regularity of the proceedings involving minors?*

Does juvenile prosecutor think that capacities for the treatment of the juveniles placed in institutions are satisfactory? If the juvenile prosecutor identified any faults in the work of the institutions for the placement of minors?

In its staff structure the Cantonal Prosecutor's Office of Tuzla Canton has two prosecutors with the task to work with children. The data provided in the questionnaire¹³³ show that the juvenile prosecutor in charge of children placed in institutions for the execution of criminal sanctions visit these children at least twice a year, but in recent period these visits depended on epidemiological situation. The prosecutor who participated in conduction the investigation against a minor placed in the institution is the one who visits him. Asked whether the juvenile prosecutor have a direct contact with a minor placed in an institution or the professional staff dealing with the juveniles in the institution, the Cantonal Prosecutor's Office of Tuzla Canton replied no. Also, in respect of direct insight into the relevant documentation to assess legality and regularity of the proceedings involving minors, they do not do it. The juvenile prosecutor also does not assess the capacity for treatment of juveniles in the institution, but answers that he did not notice any omissions in the work of the institutions for placement of juveniles.

Cantonal Prosecutor's Office of Una-Sana Canton has seven prosecutors in charge of working with children, who have certificates for work with minors, while four prosecutors are in the phase of obtaining such certificates. When asked whether the prosecutor for juveniles visits a juvenile placed in an institution for the execution of institutional sanctions at least twice a year, according to the data from the questionnaire¹³⁴ they do not do it. The questionnaire states that the prosecutor and the expert associate – psychologist working in the Department for Juveniles,

¹³³ Submitted to the Ombudsman of Bosnia and Herzegovina on 27 September 2021

¹³⁴ Submitted to the Ombudsman of Bosnia and Herzegovina on 14 September 2021

before the Covid-19 pandemic did pay a visit to the juveniles placed in Orašje Educational - Correctional Facility, an institution where minors are mostly referred to serve institutional sanctions. But, because of the pandemic in the last two years this practice was abandoned.

Organizational structure of the Cantonal Prosecutor's Office of Sarajevo Canton includes three prosecutors in charge of work with minors. According to replies provided to the Ombudsman's questionnaire¹³⁵ the juvenile prosecutor visits juveniles placed in the institutions for the execution of institutional sanctions at least twice a year, but in 2020 only one visit took place due to the pandemic caused by Covid-19. The prosecutor who participated in the investigation against a minor placed in the institution or any other juvenile prosecutor carry out these visits. Asked whether the juvenile prosecutor have a direct contact with a minor placed in an institution or the professional staff dealing with the juveniles in the institution, the Cantonal Prosecutor's Office of Tuzla Canton replied no. In respect of direct insight into the relevant documentation to assess legality and regularity of the proceedings involving minors, they do it. The juvenile prosecutor thinks that capacities for treatment of juveniles are satisfactory, and that he did not notice any omissions in work of the institutions for placement of juveniles.

Organizational structure of the Cantonal Prosecutor's Office of Zenica – Doboj Canton¹³⁶ have two prosecutors and one expert advisor – psychologist. The juvenile prosecutor visits minors at least twice a year. The prosecutor who participated in the investigation against a minor placed in the institution is the one who visits him.

The juvenile prosecutor has a direct contact with both the minors placed in an institution and the professional staff dealing with the juveniles in the institution. Also, they take an insight into the relevant documentation to assess legality and regularity of the proceedings involving minors. The juvenile prosecutor thinks that capacities for treatment of juveniles are satisfactory, and that he did not notice any omissions in work of the institutions for placement of juveniles.

Organizational structure of the Prosecutor's Office of Brčko District of Bosnia and Herzegovina¹³⁷ includes one prosecutor in charge of work with children in conflict with the law. This juvenile prosecutor visits the juveniles placed in the institutions at least twice a year. He also takes a direct insight into the relevant documentation to assess legality and regularity of the proceedings with the minors. The juvenile prosecutor thinks that capacities for treatment of juveniles are satisfactory, and that he did not notice any omissions in work of the institutions for placement of juveniles.

Regional Public Prosecutor's Office of Doboj¹³⁸ has two prosecutors in charge of work with children in conflict with the law in addition to one expert advisor – a psychologist. Employees of this Prosecutor's Office do not visit juveniles placed in institutions at least twice a year justifying

¹³⁵ Submitted to the Ombudsman of Bosnia and Herzegovina on 27 September 2021

¹³⁶ Data obtained from the questionnaire filled in on 14 September 2021 by Adisa Kadušić, juvenile prosecutor of Zenica Doboj Canton

¹³⁷ Data obtained from the questionnaire submitted to the Ombudsman on 05 October 2021

¹³⁸ Data obtained from the questionnaire filled in on 14 October 2021 by Todorović Vaja, Head of the Department for Juvenile Offenders within the Regional Public Prosecutor's Office Doboj

that by their being busy with general criminality cases and epidemiologic situation in the last two years, as well as health situation of one of the prosecutors who had corona virus infection.

Cantonal Prosecutor's Office of Hercegovina-Neretva Canton has five prosecutors in charge of working with children, most of whom have certificates for work with minors. According to replies provided to the Ombudsman's questionnaire¹³⁹ the expert advisor - a psychologist is the one who visits the minors placed in the institutions for the execution of institutional sanctions at least twice a year. Expert advisor maintains a direct contact with the minor following which reports to the case prosecutor. Asked whether the juvenile prosecutor have a direct contact with a minor placed in an institution or the professional staff dealing with the juveniles in the institution, the Cantonal Prosecutor's Office of Hercegovina-Neretva Canton replied that the expert advisor - a psychologist is the one who does it. In response to a question whether the juvenile prosecutor takes a direct insight into the relevant documentation to assess the legality and regularity of the proceedings against a minor, the Prosecutor's Office replies negatively since they regularly receive reports on the implementation of the juveniles treatment furnished by the educational-correctional facility in which the juveniles are placed. The juvenile prosecutor does not assess the capacities for the treatment of juveniles as satisfactory, but did not notice any omissions in work of the institutions for placement of juveniles.

Conclusions of the Ombudsman related to treatment of courts, social welfare centers and prosecutor's offices

The Ombudspersons would like to primarily point out to all those in charge to the fact that it is indisputably stated during conversations with juveniles that they really care about being visited by juvenile judges and prosecutors and representatives of social welfare centers from their communities, especially when the institutions in which they serve institutional measures are far from their place of residence. Furthermore, it is indisputable that all competent bodies are aware of their legal obligations and that all competent bodies within their institutions have appointed experts/professionals who tackle the issues related to children in conflict with the law in their daily work. It is also important that the professionals who deal with this issues have undergone appropriate training and education.

The Ombudspersons call on the courts and prosecutor's offices to act in accordance with their legal obligations without exception, i.e. to visit a juvenile placed in an institution for the execution of institutional measures at least twice a year, and more frequently if necessary, because this is a legally prescribed minimum.

During the visits made in preparation of this Report, as well as previous reports, the Ombudspersons clearly established that many courts are not fulfilling their obligations as required by law. It is extremely important that judges and prosecutors directly contact the juvenile and experts who take care of the execution of the institutional measures, and also to inspect the relevant documentation, all in order to determine the legality and regularity of the

¹³⁹ Reply to the questionnaire of Cantonal Prosecutor's Office of Herzegovina-Neretva Canton no.: A-1250/21 dated 26 October 2021

proceedings in a comprehensive way and assess success achieved in the upbringing and proper development of the personality of minors in each particular case.

In respect of the social welfare centers, their inclusion in the report was necessary in order to create a realistic picture of the situation of juveniles placed in institutions for the execution of criminal sanctions since the role of the competent social protection services/social welfare centers is indisputable. After the analysis of the provided answers to the questions from the Ombudsman's questionnaire, it can be concluded that the social welfare centers, in carrying out their activities, cooperate with the competent authorities at all levels of government, citizens' associations and NGOs, companies, institutions, families and individuals. However, in order to encourage more efficient cooperation and exchange of information, the Ombudspersons believe that more regular communication and visits between the social welfare centers - institutions - minors is necessary. It also follows from the submitted answers of the social welfare centers that they act differently, although the legal provisions are identical for all. The Ombudspersons will submit copies of this report to all social welfare centers to which questionnaires have been submitted, in order to harmonize their practice in the coming period.

VI GENERAL CONCERNS OF THE OMBUDSMAN

Having visited all institutions where children in conflict with the law are placed, and summarized the collected data, the Ombudspersons were pleased to see that only few minors were placed there. However, based on these facts, the question arises: is juvenile delinquency in Bosnia and Herzegovina in constant decline, or is significant number of juveniles in conflict with the law sanctioned by educational measures that do not involve institutional treatment (educational measures of warning and guidance, or educational measures of intensified supervision), or the implementation of alternative measures (police warning and educational recommendations) has been raised to a significantly higher level or, ultimately, is this situation a consequence of the implementation of the opportunity principle according to which the competent authorities do not initiate proceedings against minors in conflict with the law convinced that it would serve no purpose. The answer to this question is particularly interesting having in mind the quantity of information from the media, but also complaints registered with the Ombudsman Institution, which shows that in our society we are witnessing ever increasing peer violence and juvenile delinquency.

The Ombudspersons consider it necessary to strengthen the treatment activities toward minors in all institutions, which must be organized for 24 hours a day with no exception. There is no doubt that even now the professional teams of the institutions carry out the treatment, some more and some less successfully, using methods described above in detail for each particular institution. However, after reviewing the overall situation, the Ombudspersons conclude that the purpose of treatment can be achieved only if a 24-hour presence of professional staff is established in the institution. In this organization the staff members have the obligation to ensure a clearer structure of daily activities of minors (workshops and sections), clearly structured, all with the aim of acquiring certain skills and knowledge. At the same time, creating a more pleasant environment in institutions and a complete fulfillment of time of minors during their stay in the institution, does not mean allocating additional funds or hiring more professional staff in institutions. Also, the Ombudspersons think that it is necessary to improve the material status of employees and provide them with continuous professional training and development, both all staff members in these institutions who come into contact with children and professional staff members who need to have organized permanent training in accordance with the highest domestic and international standards.

The Ombudspersons particularly emphasize the problem of post-penal treatment of minors, which is almost non-existent in our society, although essential for their reintegration into society. The role of this treatment is to help minors to integrate into the community as smoothly as possible, after leaving the institution. The role of post-penal assistance and cooperation is huge, because it should enable the juveniles to secure their financial position, and also to facilitate their adaptation to life outside the institution thus helping them to distance themselves from criminal behavior and resist the challenge of recidivism. We must never forget that children who come into conflict with the law do not do so of their own choosing, but as a result of the limited opportunities available for their development. These possibilities are even more limited once they enter the criminal justice system. Children at risk of conflict with the law are often victims of abuse and neglect, negligent or inadequate parenting, and economic hardship.

Compared to previous reports, the general assessment of the situation, in the opinion of the Ombudspersons, is that in some institutions certain progress in terms of treatment has been achieved. However, what raises concerns is the fact that three years have passed since the last report and 24-hour treatment has not yet been established in most institutions, which is necessary in order to achieve the purpose of treatment of minors.

Material conditions in the institutions have not changed much compared to the previous report. Namely, some institutions are still within the perimeter of prison institutions, which makes their work much more difficult, while in other institutions there was no larger financial investments. In this regard, the Ombudspersons note that compared to the previous reports on material conditions, small progress has been made, but still not so significant as to lead to major changes in the way of improving the conditions and functioning of these institutions. The Ombudspersons are aware that the period of the corona virus pandemic in the last two years has affected these trends and led to the situation without significant progress in this area in terms of human, material and technical conditions. It put some authorities into a „sleepy mode“ and to some extent lead to a lack of optimism and enthusiasm in relation to previous periods, after the adoption of the Law on Protection and Treatment of Minors and Children in Criminal Proceedings. The Ombudspersons hope that this report will contribute to positive changes.

VII RECOMMENDATION OF THE OMBUDSPERSONS OF BOSNIA AND HERZEGOVINA

The Ombudspersons of Bosnia and Herzegovina recommend the entity governments and the competent ministries:

- To establish special institutions for medical treatment and empowerment of juveniles, as prescribed by the legislation on protection and treatment of children and juveniles in criminal proceedings, to enable the sentencing and execution of this institutional educational measure, as well as safety measure of mandatory psychiatric treatment, or alternatively, within the existing institutions for the placement of minors in conflict with the law, establish special organizational units in which this educational measure would be implemented.

Deadline for the implementation of the recommendation: Two years.

- In entity ministries of justice in sectors for the execution of criminal sanctions establish special departments which will exclusively deal with the execution of criminal sanctions toward minors in conflict with the law.

Deadline for the implementation of the recommendation: One year.

Ombudspersons of Bosnia and Herzegovina recommend the Federal Ministry of Justice and the Ministry of Justice of Republika Srpska:

- In order to enable additional professional training of all employees in the institutions dealing with treatment of minors to continue with permanent, specialized and licensed trainings which meet the highest local and international standards.

Deadline for the implementation of the recommendation: Continuous.

Ombudspersons of Bosnia and Herzegovina recommend the Ministry of Justice of Republika Srpska:

- To take necessary activities to establish educational center for minors (Article 36 of the Law) work of which would ensure short term and intense treatment of minors, in particular taking in account good practices of educational centers functioning in the Federation of Bosnia and Herzegovina.

Deadline for the implementation of the recommendation: Two years.

Ombudspersons of Bosnia and Herzegovina recommend the High Judicial and Prosecutorial Council of Bosnia and Herzegovina:

- To distribute this report to all the courts and the prosecutor's offices in Bosnia and Herzegovina.

Deadline for the implementation of the recommendation: At once

- In their work and communication with the courts and prosecutor's offices to emphasize in particular the obligation of the juvenile judges and prosecutors to regularly visit juveniles in conflict with the law while they are placed in institutions.

- Deadline for the implementation of the recommendation: Continuous

- To establish the obligation for all juvenile judges on the territory of the Federation of Bosnia and Herzegovina in pronouncing the measure of detention/remand to consider the possibility of temporary placement of juveniles during the preparatory proceedings

in the Department for Observation and Diagnostics within the Institute for Education of Male Children and Youth Sarajevo or in the Educational Center of Sarajevo Canton.

- Deadline for the implementation of the recommendation: Continuous
- To encourage juvenile prosecutors and judges to implement educational recommendations.

Deadline for the implementation of the recommendation: Continuous.

Ombudspersons of Bosnia and Herzegovina recommend to the Center for Education of Judges and Prosecutors of the Federation of Bosnia and Herzegovina and the Center for Education of Judges and Prosecutors of Republika Srpska:

- In their annual programs to mandatorily include significantly more topics (at least five in one calendar year) falling within the area of the rights of the child, juvenile delinquency and their protection provided by criminal law in order for juvenile judges and prosecutors to acquire additional specialized expertise and get continuous professional training.

Deadline for the implementation of the recommendation: Continuous.

The Ombudspersons of Bosnia and Herzegovina recommend the competent entity and cantonal ministries of interior:

- To implement measure of police warning in all situations when legally prescribed preconditions are met.

Deadline for the implementation of the recommendation: Continuous.

The Ombudspersons of Bosnia and Herzegovina recommend the competent entity and cantonal ministries of justice, health and social protection and social welfare centers:

- Independently and in co-ordination with others to develop and implement programs of post-penal protection of minors.

Deadline for the implementation of the recommendation: Continuous.

The Ombudspersons of Bosnia and Herzegovina recommend to all the institutions included in this Report in which minors in conflict with the law are placed:

- To establish and intensify the cooperation of their staff members with the community, social welfare centers and the families of juveniles or order to create conditions for their use of incentives and earned privileges outside the institution.

Deadline for the implementation of the recommendation: Continuous.

- To pay more attention to drafting of individual treatment plans, in particular by complementing them with daily activities schedules.

Deadline for the implementation of the recommendation: Continuous.

The above mentioned bodies and institutions are invited to submit the answers on methods of implementation of these recommendations in writing to the following address: Akademika Jovana Surutke br. 13, Banja Luka, with reference to the number Ž-BL-01-536/21.

ANEX I

Facility visitation overview

Facility	Visitation date
Banja Luka Correctional Facility Education and Correctional Facility	28 September 2021
Orašje Correctional Facility Units of Education and Correctional Facility and Juvenile Prison	14 September 2021
CantonAL Public Institution „Correctional Centre“ Tuzla	13 September 2021 13.09.2021. godine
Istočno Sarajevo Correctional Facility Juvenile Prison	22 September 2021
Public Institution „Institute for Education of Male Children and Youth“ Sarajevo	21 September 2021
Cantonal Public Institution „Correctional Centre of Sarajevo Canton“	21 September 2021