



Methodology

**of visits to the institutions where children in
conflict with the law are placed in order to
establish the state of facts**

December 2021, Banja Luka

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December 2021, Banja Luka

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I INTRODUCTION

Methodology of visits to the institutions where children in conflict with the law are placed in order to establish the state of facts in these institutions (hereinafter: Methodology) is aimed at providing the guidelines to the competent institutions and NGOs in Bosnia and Herzegovina how to carry out visits to the institutions where children in conflict with the law are placed in respect of following aspects:

- Implementation of the local and international instruments governing institutional sanctioning of children in conflict with the law and
- Co-ordination and drafting of reports to the competent local and international bodies and institutions on the implementation of the commitments under the local and international documents.

The methodology was developed during the process of drafting the Special Report on the Situation of Institutions where Children In Conflict with the Law are Placed of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina and was prepared by a working group formed within this Institution with the support of UNICEF BiH. All research instruments, including questionnaires and protocols, were created by the Institution of Ombudsman.

The methodology determines unique rules and procedures, i.e. the methods of collecting basic data on juvenile offenders who are serving some of the institutional sanctions, as well as all other data related to their stay and conditions in these institutions to analyze the situation and take measures to improve the situation in these institutions, and also to give the possibility to all competent authorities and institutions, at any time, to retrieve relevant information.

In order to establish the situation in institutions where children in conflict with the law are placed and collect data in this area it was necessary to make a detailed analysis of numerous analytical and statistical indicators related to various entities involved in the implementation of the legislation on protection and treatment of children and juveniles in criminal proceedings in the Federation of Bosnia and Herzegovina, the Republika Srpska and Brčko District of BiH.

II METHODOLOGY OF VISITS TO THE INSTITUTIONS WHERE CHILDREN IN CONFLICT WITH THE LAW ARE PLACED IN ORDER TO ESTABLISH THE STATE OF FACTS

The methodology offers a matrix of actions to be taken by the representatives of competent institutions in BiH or NGOs when visiting the institution for the execution of institutional sanctions (hereinafter: the institutions) in order to collect data on children placed there.

Results of the visits carried out according to this Methodology will be presented in the Ombudsman's report on the situation in these institutions.

2.1. Methods, techniques and instruments of the research

This type of research is specific as it requires the use of different scientific methods, techniques and instruments of survey.

The choice of methods, techniques and instruments used in the survey on the situation in the mentioned institutions presumes the use of legal dogmatic and comparative methods. These methods will be used for the analysis of the international documents covering this area, and analysis of local laws and by-laws.

An important method of research will be content analysis, which means that the situation in institutions is determined through the answers received using research instruments.

Statistic method will be used for presentation of data related to the situation in the institutions and general data related to the pronouncement of institutional sanctions to children.

Individual case analysis can also be a very important method to present in more detail examples of good or bad practice provided that the privacy of children is respected.

2.2. Sources of research and knowledge

For this research sources of knowledge can be classified into two groups:

- First group are international and domestic normative and other general documents, and in some cases individual documents and other documents pertaining to case-law of regular courts, as well as other institutions dealing with this topic and
- Other group of sources are all the data obtained by means of the research instruments.

2.3. Scope and framework of research

Scope and framework of research are limits to which the research can move. It is determined from different points of view.

From the scientific area point of view, the research will be within the framework of legal and social sciences.

From a narrower or professional point of view, the research will cover the activities of state authorities in charge of imposition and execution of institutional sanctions against children, and the rights and freedoms of children in conflict with the law enshrined by international and national legislation in order to increase the effectiveness and humanity of the system of sanctions against children.

Primary research will be carried out directly in the institutions where children in conflict with the law are placed on the territory of Republika Srpska, Federation of BiH and Brčko District of BIH.

2.4. Expected results and their practical implementation

Results of this research can have contribution in proposing of new legal solutions, with the aim of better re-education and re-socialization of children in conflict with the law.

In practice, such types of research can contribute to proposing amendments to the applicable legislation, and possibly to change of the current practices. It is very important to motivate the legislator to improve the existing solutions within the institutional sanctions for children in conflict with the law, and especially in the treatment and conditions in institutions.

In addition to that results of research can help to informing and awareness-raising of the wider public, in particular the legal practitioners, judges, prosecutors, employees of the social welfare centers, lawyers, police officers, inspectors, prison managements and prison employees and members of local community about the institutional sanctions for children.

2.5. Research tasks

Tasks aimed at establishment of situation in the institutions where children in conflict with the law are placed are:

1. Analyze international legal standards governing the imposition and enforcement of sanctions restricting the freedom of movement of minors.
2. Analyze all domestic laws and bylaws in the field of juvenile delinquency, primarily laws on protection and treatment of children and juveniles in criminal proceedings of the Republika Srpska, the Federation of BiH and the Brčko District of BiH, and especially provisions relating to juvenile imprisonment and educational measure referral to an educational correctional facility.
3. Analyze the data obtained through the research instruments presented in this Methodology from the institutions in charge of the execution of institutional sanctions against children in conflict with the law.

4. Analyze the data obtained through the research instruments presented in this Methodology from the employees of the institutions in charge of the execution of institutional sanctions against children in conflict with the law.
5. Analyze the data obtained through the research instruments presented in this Methodology from the children placed in the institutions in charge of the execution of institutional sanctions against children in conflict with the law.
6. Analyze the data obtained through the research instruments presented in this Methodology from the external subjects who participate in proceedings in which some of the institutional sanctions against children in conflict with the law are pronounced.

III IMPLEMENTATION OF THE RESEARCH TASKS

3.1. Implementation of the task no. 1.

3.1.1. Name of the task

To analyze standards of the international law governing the pronouncement and execution of sanctions limiting the freedom of movement of the minors.

3.1.2. Method of implementation

The first part of the Report on the situation in institutions where children in conflict with the law are placed must contain an analysis of the most important international documents regulating issues related to children's rights, and especially an analysis of those documents prescribing methods of institutional sanctioning of children in conflict with the law.

The most important international standards relevant for the implementation of institutional sanctions toward children are:

1. The United Nations Convention on the Rights of the Child (1989)¹,
2. United Nations Standard Minimum Rules for the Administration of Juvenile Justice – The Beijing Rules (1985)²,
3. United Nations Guidelines for the Prevention of Juvenile Delinquency - The Riyadh Guidelines (1990)³,
4. United Nations Rules for the Protection of Juveniles Deprived of their Liberty – The Havana Rules (1990)⁴,
5. United Nations Standard Minimum rules for Non-Custodial Measures – The Tokyo Rules (1990)⁵,
6. United Nations Guidelines for Action on Children in the Criminal Justice System – The Vienna Guidelines (1997)⁶.
7. The United Nations General Assembly also adopted two option protocols⁷ to the Convention on the Rights of the Child. They are:
 - a) Protocol on the Involvement of Children in Armed Conflict⁸ and

¹ The United Nations Convention on the Rights of the Child was adopted by the United Nations General Assembly on 20 November 1989, and entered into force on 2 September 1990. The Convention became binding on Bosnia and Herzegovina in 1993 through the succession process. The state of Bosnia and Herzegovina ratified the Convention on the Rights of the Child By signing the Dayton Accords in 1995, it undertook to abide by the Convention throughout the country. The Convention is contained in Annex I of the Constitution of Bosnia and Herzegovina and has the force of a constitutional provision. In this way, international law has directly become part of the internal legal system of our state and is directly superior to it, and is directly applicable.

² *United Nations Standard Minimum Rules for the Administration of Juvenile Justice – The Beijing Rules*, adopted by UNGA by Resolution no. 40/33 dated 29 November 1985

³ *United Nations Guidelines for the Prevention of Juvenile Delinquency - The Riyadh Guidelines*, adopted by UNGA by Resolution no. 45/112 dated 14 December 1990

⁴ *United Nations Rules for the Protection of Juveniles Deprived of their Liberty – The Havana Rules*, adopted by UNGA by Resolution no. 45/113 dated 14 December 1990

⁵ *United Nations Standard Minimum rules for Non-Custodial Measures – The Tokyo Rules*, adopted by UNGA by Resolution no 45/110 dated 14 December 1990

⁶ *United Nations Guidelines for Action on Children in the Criminal Justice System – The Vienna Guidelines*, adopted by UNGA by Resolution no. 1997/30, dated 21 July 1997

⁷ *Adopted in 2000 and entered into force in 2002*

b) Protocol on the Sale of the Children, Child Prostitution and Child Pornography⁹.

Provisions related to protection of children and minors within the criminal justice system (criminal justice and misdemeanor justice) are comprised also in the on Genocide Convention (1948)¹⁰ and Geneva Convention for the protection of the victims of war (1949). Provisions on the protection of children and minors are also comprised in the Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY)¹¹ and in Rome Statute, that is, the Statute of the International Criminal Court (ICC).¹² Also, the International Covenant on Civil and Political Rights (1966) provides that accused minors should be separated from the adults, and that their cases must be processed in urgent procedure.

Also, together with the Convention against Transnational Organized Crime (2000)¹³ two protocols were adopted, namely:

- a) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children¹⁴ (This Protocol stipulates that in incrimination of offenses related to trafficking in human beings, the offences related to trafficking in children be specifically defined) and
- b) The Protocol against the Smuggling of Migrants by Land, Sea and Air¹⁵.

In addition to all the above-mentioned United Nations documents, the documents of the Council of Europe, which were also adopted by the Committee of Ministers seeking a new approach and treatment, are particularly important. These are:

- a) Recommendation No. R (87) 20 of the Committee of Ministers to member states on Social Reactions to Juvenile Delinquency no. P (87) 20 (1987)¹⁶,
- b) Recommendation No. R (88) 6 of the Committee of Ministers to member states on Social Reactions to Juvenile Delinquency among young people coming from migrant families (1988)¹⁷,

⁸ *Optional Protocol to the Convention on the Rights on the Involvement of Children in Armed Conflict*, dated 25 May 2000, entered into force on 12 February 2002

⁹ *Optional Protocol to the Convention on the Rights of the Child on the Sale of the Children, Child Prostitution and Child Pornography*, dated 25 May 2000 and entered into force on 18 January 2002. *Protocol on the Involvement of Children in Armed Conflict* the age limit for children for their engagement in armed conflict has been raised to eighteen, and the ban on forced recruitment of children up to that age has been imposed. *Protocol on the Sale of the Children, Child Prostitution and Child Pornography* imposes an obligation on the state to prevent and prohibit the sale of children, child prostitution and child pornography. This protocol also contains a list of acts that should be explicitly incriminated as a minimum in national legislation. These are: offering or accepting a child for the purpose of sexual exploitation, transfer of the child's organs for profit or engaging the child in forced labor, illegal adoption, etc. See more: Degan, Đ. V., Pavšić, B., Beširević, V.: *Međunarodno i transnacionalno krivično pravo*, Faculty of Law of the Union University in Belgrade and PC Official Gazette, Belgrade, 2011.

¹⁰ *The Convention on the Prevention and Punishment of the Crime of Genocide*, adopted by UNGA by Resolution no 260 dated 09 December 1948 and entered into force on 12 January 1951

¹¹ *Statute of the International Criminal Tribunal for the Former Yugoslavia*, adopted by UNGA by Resolution no 827 dated 25 May 1993

¹² Thus, for example, as a special form of cultural genocide, the ICTY Statute provides for the forced transfer of children from one group to another, while the Rome Statute provides for the recruitment of children under 15 in the national armed forces as a war crime.

¹³ *The United Nations Convention against Transnational Organized Crime*, adopted by the UNGA by Resolution 55/25 dated 15 November 2000, and entered into force on 29 September 2003

¹⁴ *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, adopted by the UNGA by Resolution 55/25 dated 15 November 2000 and entered into force on 25 December 2003

¹⁵ *The Protocol against the Smuggling of Migrants by Land, Sea and Air*, adopted by UNGA by Resolution no 55/25 dated 15 November 2000, and entered into force on 28 January 2004

¹⁶ *Recommendation No. R (87) 20 of the Committee of Ministers to member states on Social Reactions to Juvenile Delinquency*, adopted by the Committee of Ministers of the Council of Europe on 17 September 1987

- c) The European Rules on Community Sanctions and Measures CE P (92) 16¹⁸ and
- d) Recommendation No. R (2003) 20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice (2003)¹⁹.

3.1.3. Mandatory content of the Report

In this part of the report it is necessary to quote more significant provisions of international documents related to the institutional sanctioning of children in conflict with the law, and then give relevant explanations of the cited provisions bringing them into correlation with the provisions of domestic law.

3.2. Implementation of the task no. 2.

3.2.1. Name of the task

Analyze all domestic laws and bylaws in the field of juvenile delinquency, primarily laws on protection and treatment of children and juveniles in criminal proceedings of the Republika Srpska, Federation of BiH and Brčko District of BiH, and especially provisions related to juvenile imprisonment and educational measures referral to an educational correctional facility.

3.2.2. Method of implementation

After the analysis of the provisions of international documents related to children serving institutional sanctions, it is necessary to carry out a detailed analysis of the provisions of domestic legislation (laws and bylaws), in particular provisions governing the sentence of juvenile prison and educational measure referral to educational-correctional facility.

The most important laws and bylaws to be analyzed are:

- a) Legislation governing the protection and treatment of children and juveniles in criminal proceedings of the Republika Srpska, the Federation of BiH and the Brčko District
- b) Legislation governing the execution of sanctions of Republika Srpska, the Federation of BiH and Brčko District of BIH
- c) Bylaws (rulebooks) governing in more detail the ways of execution of institutional sanctions against children, for example, the Rulebook on disciplinary liability of juveniles subject to the execution of institutional measures and serving juvenile prison sanction in the Republika Srpska.

¹⁷ Recommendation No. R (88) 6 of the Committee of Ministers to member states on Social Reactions to Juvenile Delinquency among young people coming from migrant families, adopted by the Committee of Ministers of the Council of Europe on 18 April 1988

¹⁸ Recommendation No. R (92) 16 of the Committee of Ministers to member states on the European Rules on Community Sanctions and Measures, adopted by the Committee of Ministers of the Council of Europe on 19 October 1992

¹⁹ Recommendation No. R (2003) 20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, adopted by the Committee of Ministers on 24 September 2003.

3.2.3. Mandatory content of the Report

In this part of the Report, it is necessary to analyze the most significant provisions of laws and bylaws related to institutional sanctioning of children in conflict with the law, and make a comparative analysis of legal solutions applicable in Republika Srpska, Federation of BiH and Brčko District of BiH.

3.3. Implementation of the task no. 3.

3.3.1. Name of the task

Analyze the data obtained through the research instruments presented in this Methodology from the institutions in charge of the execution of institutional sanctions against children in conflict with the law.

3.3.2. Method of implementation

- a) ***to create a Questionnaire for the institutions in which minors in conflict with the law in Bosnia and Herzegovina are placed***

The questionnaire for institutions where minors are placed must be submitted to the institutions before the visits so they can provide general information about the institution, data on its spatial resources, then own assessment of the purpose of treatment, information on communication between the minors and persons outside the institution and the data on the provision of health care. A very important segment of this questionnaire is to determine the system of filing complaints in the institutions.

- b) ***To create a Protocol for the inspection of the documentation during the visit to the Institution***

A Protocol for the inspection of the documentation during the visit to the Institution should be filled in by the persons seeking to establish the situation in the institutions where children in conflict with the law are placed.

3.3.3. Mandatory content of the Report

a) ***Questionnaire for the institutions in which minors in conflict with the law are placed***, after the introductory words stating the reasons of fact-finding in order to establish the situation of the institutions in which the minors in conflict with the law are placed, should comprise the questions on the following segments of the work of the visited institution:

- ***General data on the Institution*** (full name of the institution, entity/district, canton, director of the institution, organizational structure of the institution, security degree - openness, structure of employees, capacity of the institution, structure of beneficiaries by their age, structure of beneficiaries by criminal offenses committed, state the name and the seat of the referring authority, current occupancy of the institution);

- ***Spatial resources*** (assessment of accommodation conditions, assessment of treatment capacity, assessment of sports activities, types of recreation and sports, assessment of time spent outdoors, how cleaning is organized and how the hygiene of the premises is maintained, assessment of air quality and temperature (climate, heating, ventilation systems), assessment of the organization and quality of nutrition in the institution);
- ***Admission*** (informing the beneficiaries on their rights and obligations upon admission, providing a copy of internal documents for each child (house rules, regulations), protection of privacy of the beneficiaries);
- ***Assessment of the degree of fulfillment of the purpose of treatment*** (individual treatment plans, size and method of work within the educational group, types of programs and treatments, whether beneficiaries are allowed to participate in the development of treatment plans and programs, involvement of beneficiaries in planning and monitoring the effectiveness of services, training programs for independent living after leaving the institution, post-penal protection, cooperation in this segment with other entities (social welfare centers, primary and secondary schools);
- ***Communication with persons outside the Institution*** (receiving visits from parents and other relatives, using vacations, receiving parcels, making telephone conversations, access to the library, the Internet, television and radio, receiving visits of prosecutors and judges);
- ***Health care*** (medical examination on admission, systematic medical check-ups, reports on mental health, primary and specialist health care, addiction treatment programs, health care during pandemic);
- ***Complaint filing system*** (enjoyment of the right to complaint, number of complaints, most frequent reasons of complaints of the beneficiaries).

It is also very important to leave additional space at the end of the questionnaire where additional observations or concerns not included by the questions could be recorded.

Attachment 1. Questionnaire for the institutions in which minors in conflict with the law in Bosnia and Herzegovina are placed

b) Protocol for the inspection of the documentation during the visit to an institution is an auxiliary instrument for researchers to determine the evaluation, existence and availability of:

- Relevant internal regulations within the institutions (House rules etc.)
- Other documents used in work (magazines, manuals and like) and professional literature available within the institutions.
- Electronic media such as: social networks, web sites, media announcements related to the work of the institution.

Particular attention during the drafting of a Protocol for the inspection of documentation ***during the visit to an institution*** should be paid to the inspection of the documentation related to the beneficiaries, that is, the content of personal files of the beneficiaries, where the existence of certain documents, things, photographs and other things of sentimental value for a beneficiary

such as: birth certificate, a passport, request for placement, decision on placement, individual plan and program of work, photographs, important personal things and other is determined.

Attachment 2. Protocol for the inspection of the documentation during the visit to the Institution

3.4. Implementation of the task no. 4.

3.4.1. Name of the task

Analyze the data obtained through the research instruments presented in this Methodology from the institutions in charge of the execution of institutional sanctions against children in conflict with the law.

3.4.2. Method of implementation

a) To create a Protocol for the interview with administrative and technical staff

Interview with administrative and technical staff should be carried out based on a previously prepared protocol. After the introductory part of the protocol in which you will present who you are, for what purpose you are conducting the research, and state the aim of this research. It is important to emphasize to the respondents that the conversation is on a strictly voluntary basis and ask permission to record it. It is much easier and simpler to have a conversation if you do not have to write at the same time while talking to the respondent. In these types of research, it is best to conduct the interview individually with each employee, unless there are too many respondents. If there is a large number of employees, this interview can be conducted using the focus group method, but in that case, at the end of the survey, each respondent who wishes so, should be given space to further express their opinion, position or observation.

b) To create a Protocol for the interview with professional staff during the visit to the Institution

Interview with professional staff should be carried out based on a previously prepared protocol. After the introductory part of the protocol in which you will present who you are, for what purpose you are conducting the research, and state the aim of this research, it is important to emphasize to the respondents that the conversation is on a strictly voluntary basis and ask permission to record it. It is much easier and simpler to have a conversation if you do not have to write at the same time while talking to the respondent. In these types of research, it is best to conduct the interview individually with each employee, unless there are too many respondents. If there is a large number of employees, this interview can be conducted using the focus group method, but in that case, at the end of the survey, each respondent who wishes so, should be given space to further express their opinion, position or observations.

3.4.3. *Mandatory content of the Report*

a) *Protocol for the interview with administrative and technical staff* should comprise questions on the following segments of the work of the institutions:

Presentation of an employee engaged in administrative and technical duties (name, profession, how long are they engaged on the current position and like);

General impression on the work of the Institution (describe the employees, describe the beneficiaries, describe the general atmosphere in the Institution);

Profile of technical and administrative staff (current fulfillment of particular positions, suggestions related to the change of structure of the institution and like);

Assessment of the own physical security in the Institution (implementation of the rights of the employees, advantages of work in the institution, advantages of the work in the collective, disadvantages of the work in the collective);

Professional training and advancement (possibility of professional training and advancement);

Position on the system of care of children and youth in conflict with the law (suggestions for the improvement of the work of your institution).

It is also very important to leave additional space at the end of the questionnaire where additional observations or concerns not included by the questions could be recorded.

Attachment 3. Protocol for the interview with administrative and technical staff during the visit to the Institution

b) *Protocol for the interview with administrative and technical staff during the visit to the Institution* should comprise questions on the following segments of work:

- *Establish a general impression of the Institution* (organizational structure, infrastructure of the institution, technical equipment, conditions of accommodation, services provided to the beneficiaries, accommodation facilities, relationship with other employees, relationship with beneficiaries);
- *Establish a general impression of the functioning of judicial system in respect of juveniles in conflict with the law;*
- *Key needs of the Institution, beneficiaries and professional team of the Institution, advantages of the work within the Institution, that is, what is considered to be success in the work of the Institution, and what are disadvantages (with what are you dissatisfied);*
- *Quality standards and theoretical basis* (values and principles on which the work of the institution is based, theories and models on which the treatment work with minors is based, techniques and methods used in work with the beneficiaries);
- *Spatial resources and equipment* (working conditions in the institution, what needs to be improved or advanced, assessment of the premises in which the treatment activities take place (rooms, materials, professional literature), human resources, content for sports activities, content for other activities (library, reading room, computer access, internet),

- TV, radio, telephone conversations, music, art studio), quality of food, hygiene and maintenance of premises in the institution);
- **Organization of work** (existence of the rulebook on the house rules of the institution, its content, implementation and respect, informing of the beneficiaries with its content and other rights and obligations during admission, the way of work organization in the institution on weekdays and weekends, termination of stay in the institution, preparation for leaving the treatment, granting of privileges to the beneficiaries);
 - **Services/programs/activities** (group meetings, group activities, individual and group program and activities, involvement of parents in individual treatments, non-violent communication programs, assertive trainings, training for independent living, post-penal care programs);
 - **Adequacy and efficiency of services** (method of assessment of the needs of beneficiaries, the content of treatment for individual beneficiaries, monitoring the effectiveness of individual services);
 - **Professional team** (professional staff members profiles, advantages and disadvantages of professional staff, the existence of opportunities for professional advancement, implementation of trainings and professional development programs for the professional staff members);
 - **Communication of the beneficiaries with persons outside the Institution** (communication with parents, other relatives or other persons, use of annual leave, communication with social services);
 - **Cooperation with the subjects from governmental and NGO sector** (implementation of different projects in cooperation with governmental, non-governmental and international bodies and organizations, support of the competent ministries);
 - **Beneficiaries** (profile of the beneficiaries in the institution, participation in drafting, planning and implementation of the efficiency of services, privacy of the beneficiaries, attitude of professional staff and relationship of the professional staff and the beneficiaries, suggestions for the improvement of the situation in the institution);
 - **Safety within the Institution** (assessment of safety of the employees and the beneficiaries in the institution, whether there were cases of somebody's safety being jeopardized);
 - **Health care** (type of health care provided to the beneficiaries – primary, specialist, addiction treatment programs, systematic medical check-ups, assessment of a psychological status of the beneficiaries).

Attachment 4. Protocol for the interview with professional team during the visit to the Institution

3.5. Implementation of the task no. 5.

3.5.1. Name of the task

Analyze the data obtained through the research instruments presented in this Methodology from the children placed in the institutions in charge of the execution of institutional sanctions against children in conflict with the law.

3.5.2. Method of implementation

To create a Protocol for the interview with children and youth during the visit to the Institution

Interview with children and youth is one of the most important segments of research (if not the most important) in this field. Interviews with children and youth placed to serve some of the institutional sanctions should be carried out based on a previously prepared protocol. After the introductory part of the protocol in which you will present who you are, for what purpose you are conducting the research, and state the aim of this research, it is important to emphasize to the respondents that the conversation is on a strictly voluntary basis and ask permission to record it. It is much easier and simpler to have a conversation if you do not have to write at the same time while talking to the respondent. In addition to the need to emphasize that this conversation is strictly voluntary, it is important to say that a respondent can decide at any time during the interview to give it up without any consequences.

In these types of research, it is best to conduct the interview individually with each employee, unless there are too many respondents. If there is a large number of employees, this interview can be conducted using the focus group method, but in that case, at the end of the survey, each respondent who wishes so, should be given space to further express their opinion, position or observations. Also, it is very important that the research is conducted by a researcher who must have affinity, as well as experience in working with children and youth. If the research is conducted by several researchers, this number must not exceed the number of beneficiaries being interviewed.

Researchers must use the language adapted to the children and youth subject to survey in presenting themselves and the aim of research in the introduction, and immediately after that point out that it is very important that the beneficiaries state all the advantages and disadvantages of living in the institution, express what they see as the purpose of their stay in the institution, ask them if they have any suggestions for improving life and treatment. It is also important to emphasize that the plan of the researchers is to visit all institutions of this type and conduct interviews with all the beneficiaries and adult staff in order to finally propose guidelines that will point out all the advantages and disadvantages, with the aim for children, youth and adults, to have work and life in institutions more comfortable and better.

It is also important to emphasize that researchers want to hear their views and invite them to openly and honestly present all their thoughts and ideas. Emphasize that there are no correct or incorrect answers, that it is very important that they say everything they have, ask them to speak one by one to listen to each other and that they can possibly comment or add something to another beneficiary's presentation.

Another important segment is the obligation of researchers to emphasize that children and youth are guaranteed protection and confidentiality of any information they present and that information that could reveal their identity will not be included in the report or presentation of results.

Although the questions in the protocol are prepared in advance, it is necessary to enable spontaneous involvement in the conversation of each beneficiary.

At the end of presentation, researcher should ask the children the question: „Do you want to continue the conversation now that you have all this information?“

3.5.3. Mandatory content of the Report

Protocol for the interview with children and youth:

- ***Data on the Institution, town, time of interviews, researcher, number of respondents, age and gender of children;***
- ***Basic questions as an introduction into the interview*** (duration of stay, how much is left until the expiration of the sanction, earlier life, determine whether they know the exact name of the institution, whether they have some metaphorical names for the institution, its beneficiaries and employees, to describe the institution);
- ***Key questions*** (arrival at the institution, describe the first days, feelings in that period, attitude of staff and other beneficiaries upon admission, reasons for stay in the institution, allow them to give specific examples of what they are satisfied or dissatisfied with);
- ***Daily life*** (food quality, hygiene needs, clothing and footwear, cultural, sports and other activities, exercise of sports, workshops, sections, job training, education, access to the library, radio and television programs, Internet, press and other publications, daily, weekly and annual rest and leave, health services, religious rites, what your usual day at the institution looks like);
- ***Communication with the environment*** (contact with family, visits, telephone conversations, arrival of other children in the institution, arrival and visits of professionals, communication with members of the social welfare center);
- ***Rights related to the procedure*** (information about the rules of the institution, your rights and obligations in the first 24 hours, the right to complain, the rights in the institution);
- ***Situation in the Institution*** (opinion about educators, disciplinary proceedings or some other form of punishment, respect for the opinion of beneficiaries, enabling work and paying for it, peer violence, relationship with other beneficiaries, relationship with other adults in the institution, benefit from staying in the institution, general impression of the institution, recommendation for other young people, exit plans, additional observations).

Attachment 5. Protocol for the interview with children and youth during the visit to the Institution

3.6. Implementation of the task no. 6.

3.6.1. Name of the task

Analyze the data obtained through the research instruments presented in this Methodology from the external subjects participating in proceedings in which some of the institutional sanctions toward children in conflict with the law can be pronounced.

3.6.2. Method of implementation

To create Questionnaire for external subjects participating in proceedings in which some of the institutional sanctions toward the children in conflict with the law are pronounced

Questionnaire for external subjects participating in proceedings in which some of the institutional sanctions toward the children in conflict with the law are pronounced is created in order to get an insight into the situation in the institutions where juveniles in conflict with the law are placed, as well as to get necessary data on the role of external subjects in the institutional treatment of children placed in institutional custody. After obtaining the data on the identity of external subjects who participated in proceedings in which some of the institutional sanctions are pronounced to children in conflict with the law, the *Questionnaire for external subjects* should be sent to all external subjects identified to have participated in proceedings involving children subject to institutional treatment.

3.6.3. Mandatory content of the Report

- ***General data on the Institution*** (full name of the institution, entity/district, canton, director/president of the institution, organizational structure of the institution, security degree - openness, structure of employees dealing with the children in conflict with the law (number, name of their positions);
- ***Court*** (number of juvenile judges, mandatory annual visits, maintaining of direct contacts with juveniles and professional staff, insight and inspection of documentation, assessment of treatment, identification of omissions, establishment of facts and circumstances indicating to the need of taking the measures for the protection of the rights of juveniles);
- ***Prosecutor's office*** (number of juvenile prosecutors, mandatory annual visits, maintaining of direct contacts with juveniles and professional staff, insight and inspection of documentation, assessment of treatment);
- ***Guardianship authority*** (making contact with minors and their families, visits, preparations for release, providing assistance to minors in finding accommodation and living environment after their release from the institution, assistance in completing education and professional training, assistance in treatment to protect their physical and mental health, assistance in finding employment, assistance in providing food, clothing and financial resources, care for minors without parental care).

Attachment 6. Questionnaire for external subjects participating in proceedings in which some of the institutional sanctions toward the children in conflict with the law is pronounced

IV ATTACHMENTS

Attachment 1. Questionnaire of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for the institutions in which minors in conflict with the law in Bosnia and Herzegovina are placed

<p>Questionnaire for the institutions in which minors in conflict with the law in Bosnia and Herzegovina are placed</p> <p><i>The questionnaire was created with the aim of gaining insight into the situation in institutions where minors in conflict with the law in Bosnia and Herzegovina are placed. You answer the questions by circling one of the offered answers, or by entering the required information on a blank line where it is planned. Please be honest when answering questions, and do not skip questions, because each of your answers is important.</i></p> <p style="text-align: right;"><i>Thank you for your cooperation!</i></p> <p style="text-align: center;"><i>The Institution of Human Rights Ombudsman of BiH</i></p>	
GENERAL DATA ON THE INSTITUTION	
Full name of the institution:	
Entity/District:	
Canton:	
Director of the Institution:	
Organizational structure of the Institution:	
Security degree - openness:	
Structure of the employees:	
Capacity of the Institution:	
Structure of beneficiaries by their age:	
Structure of beneficiaries by the offences committed:	
List the names of referring authorities:	
Current occupancy of the Institution:	
SPATIAL RESOURCES	
Do you find the accommodation conditions satisfactory?	<p>1. YES</p> <p>2. NO</p>

If the answer is no, please state the reasons:	
Do you find capacities for treatment of minors satisfactory?	1. YES 2. NO
If the answer is no, please state the reasons:	
Are there facilities for sports activities?	1. YES 2. NO
List the types of recreational activities and sports that could be practiced:	
Do children spend three hours outdoors?	1. YES 2. NO
If the answer is no, please state the reasons:	
ADMISSION	
Is the child informed about their rights and obligations during the admission?	1. YES 2. NO
Is there a copy of House rules for every child?	1. YES 2. NO
ASSESSMENT OF ACHIEVING THE PURPOSE OF TREATMENT	
Do you prepare individual plans?	1. YES 2. NO
Are parents included in individual plans?	1. YES 2. NO
Size of educational group	
Do you implement treatment program?	1. YES 2. NO
Do you implement non-violent communication program?	1. YES 2. NO
Do you implement assertive training program?	1. YES 2. NO
Do you implement the program of empowerment and training for independent living?	1. YES 2. NO
Do you implement programs aimed at post-penal protection?	1. YES 2. NO
Are social welfare services maintaining contacts between the minors, their families and the Institution?	1. YES 2. NO
Do social welfare services work with the minors during their preparation for release?	1. YES 2. NO
Do minors have the access to adequate schooling, primary/secondary school?	1. YES 2. NO
COMMUNICATION WITH PERSONS OUTSIDE	

THE INSTITUTION	
Do minors receive visits of their parents and other relatives at least once a week?	1. YES 2. NO
Do minors receive visits of other persons at least twice a month?	
Do minors have annual leave?	1. YES 2. NO
Can minors receive unlimited number of parcels?	1. YES 2. NO
Are minors entitled to phone calls at least twice a week?	1. YES 2. NO
Do minors have access to library?	1. YES 2. NO
Do minors have access to Internet?	1. YES 2. NO
Do minors have access to television?	1. YES 2. NO
Do minors have access to radio?	1. YES 2. NO
Are juvenile judge or prosecutor visiting the minors placed in the Institution at least twice a year?	1. YES 2. NO
HEALTH CARE	
Do minors have medical examination within 24 hours from the admission?	1. YES 2. NO
Do minors have systematic medical check-up in the appropriate health care institution once a year?	1. YES 2. NO
Are the results submitted to the judge or the prosecutor, parents and social welfare services?	1. YES 2. NO
Are reports on psychological status of a minor made twice a year?	1. YES 2. NO
Are the reports submitted to the judge or the prosecutor, parents and social welfare services?	1. YES 2. NO
Do minors have access to primary health care?	1. YES 2. NO
Do minors have access to specialist medical services?	1. YES 2. NO
Do minors have access to addiction treatment programs?	1. YES 2. NE
Is and if yes in what way the Covid-19 pandemic impacted the implementation of the rights of minors in the Institution?	1. YES 2. NO
If the answer is YES, please explain.	
During the period of pandemic did you enable minors to receive visits and other activities?	1. YES 2. NO

During the period of pandemic did you secure for minors sufficient number of protective means (masks, gloves, disinfectants)?	1. YES 2. NO
COMPLAINT FILING SYSTEM	
Do minors have the right to file complaints?	1. YES 2. NO
Number of complaints in 2019?	
Number of complaints in 2020?	
Are there any additional observations or concerns not included in the Questionnaire? If yes, please point it out and explain.	

Questionnaire filled in by (name and surname, education and position within the Institution):

Date:

Attachment 2. Protocol of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for the inspection of documentation

**PROTOCOL
for the inspection of documentation**

Institution/town, place	
Date of field visit	

	Notes
I. Primary documents (e.g. House rules, procedures, treatment protocols)	
II. Other documents used in the work of the Institution (magazines, manuals, internal material)	
III. Professional literature used in work	
IV. Availability Social networks Web site of the Institution Media announcements Are the data on the web-site of the Institution and social networks updated? Are there media announcements related to the Institution? How often? What type of announcements are these?	

Documentation on beneficiaries (inspection of personal files of some beneficiaries)	1	2	3	4	5
<i>Birth certificate</i>					
<i>Passport</i>					
<i>Request for placement</i>					
<i>Decision on placement</i>					
<i>Individual plan and program of work</i>					
<i>Other documents</i> (e.g. Documents related to the enjoyment of IEPs)					
1.					
2.					
3.					
4.					
5.					
<i>Documents/things/photographs of sentimental value</i> (e.g. photographs, important personal things and like)					
1.					
2.					
3.					
4.					
5.					

Attachment 3. Protocol of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for interview with administrative and technical staff

**PROTOCOL
for interview with administrative and technical staff**

Institution/town, place	
Date and time of interview	
Team members	
Participants from the Institution	

I am, a member of the Working group for the preparation of a Special report on the situation in the institutions in which children in conflict with the law are placed. Ombudspersons of Bosnia and Herzegovina decided, in cooperation with the UNICEF BiH to carry out a comprehensive analysis on situation in the institutions in which children in conflict with the law are placed. This activity represents a continuation of the cooperation between the Ombudsman and the UNICEF with the aim of the protection of minors in conflict with the law from torture, inhuman and degrading treatment.

One of the key, initial activities of this Program is a detailed analysis of the situation and needs of institutions for children and youth with behavioral problems, which we conduct in cooperation with educational institutions. Part of this data will be collected through questionnaires, and other part through direct interviews, including this focus group. We believe that it is impossible to make a comprehensive analysis of this issue without your active participation.

The purpose of this conversation with you is to gain a better insight into the needs, expectations and challenges in the work of educational institutions aimed at protection of children and youth and their families.

The aim of this conversation is to hear your experience and your perception of the institution and your work in the institution. We are interested to know how you experience the work in the institution, its daily functioning, the general climate, how satisfied you are, what challenges, and what advantages you recognize, etc.

Your participation in this conversation is completely voluntary. The conversation and all data will only be used for the creation of an overall image, and will be neither presented individually nor your name will be mentioned anywhere. You can also at any time, if you wish, give up this interview as you can get an insight into the results related to this interview/focus group.

The interview should be recorded so that we can understand exactly what the participants are saying when we come to the stage of processing the data (because I would not be able to record and talk to you at the same time).

I wonder if you understood everything, do you have any additional questions or uncertainties?

If you understood everything, can I consider that you accept participation in this interview (along with the recording), as I stated?

Presentation of participants-employees (name, profession, how long they carry out the current job)

Notes

Topics/Questions	Notes
<p>1. What is your general impression on the work of the Institution in which you work?</p> <ul style="list-style-type: none"> - How would you describe the employees and the beneficiaries? 	
<p>2. How would you describe the feelings of the employees in this Institution, and the feelings of the beneficiaries</p>	
<p>3. How would you describe a general atmosphere in the Institution?</p> <ul style="list-style-type: none"> - What are good, and what bad sides you are facing in the collective? - What in your opinion influence the general atmosphere (either good or bad) in your Institution? - Do you have any suggestions for the improvement of working atmosphere in the Institution? - What are these suggestions? 	
<p>4. What is a current profile of technical and administrative staff in the Institution?</p> <ul style="list-style-type: none"> - What staff profiles are missing? - What profiles suffice? - Do you have any suggestions for the change in structure in the next period? 	
<p>5. How do you see the organization of work in sense of administrative and technical jobs in your Institution?</p> <ul style="list-style-type: none"> - Is there a clear distribution of work, do you take over parts of the duties from the others? - Is there an atmosphere of respect among you? - And with other staff members from the Institution? 	
<p>6. How do you see your physical safety?</p>	
<p>7. What are your rights? How are they respected?</p>	
<p>8. How your voice is heard and your needs recognized?</p> <ul style="list-style-type: none"> - If you have any ideas on the improvement of certain aspects of work, with whom can you share it? - Do you have the impression that your opinion is respected? 	

9. Do you have the opportunity to achieve professional advancement in your area of work?	
10. How do you generally see the system of care of children and youth with behavioral problems? -How do you see yourself as a part of that system?	
11. What are advantages of your collective (at professional level, administrative level, the level of whole Institution)?	
12. How would you describe disadvantages of your collective (at professional level, administrative level, the level of whole Institution)?	
13. What in your opinion jeopardizes the work of your collective to the highest degree, and what contributes to the quality functioning in general?	
14. Did the Covid 19 pandemic affect your work in the institution/did you have enough disinfectants, masks, gloves, etc.)?	
15. What would be your general suggestions to upgrade the work of your Institution?	

Attachment 4. Protocol of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for interview with professional team

**PROTOCOL
for interview with professional team**

Full name of the Institution, town/place	
Date and time of interview	
Members of the professional team in the Institution	

I am (name and surname), (position) in the Institution of Human Rights Ombudsman of Bosnia and Herzegovina and a member of the Working group with a task to prepare a Special report on situation in institutions in which minors in conflict with the law are placed in Bosnia and Herzegovina in 2021. This is implemented with support of UNICEF in Bosnia and Herzegovina. Also, with me today are members of the Working group_____.

In its work, the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina pays special attention to the protection of children's rights and freedoms, monitoring the situation in this area, preparing reports on the state of children's rights, and ensuring the implementation of international standards.

Cooperation of the UNICEF in Bosnia and Herzegovina and the Institution of Human Rights Ombudsman of Bosnia and Herzegovina has resulted in preparation of two reports, on 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 and the assessment of the current situation.

Ombudspersons continue their cooperation with the UNICEF and in September 2021 intend to re-visit all the institutions in which children in conflict with the law are placed in order to make a Special report on situation in these institutions, along with a comprehensive and quality methodology for visits to the institutions of this type to be used in the next visits, not only of Ombudspersons, but also other relevant stakeholders (such as *ad hoc* commissions or NGOs). Protection of minors 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 authorities, judiciary and CSOs.

The aim of this project is to prepare a Special Report on the situation in institutions where children in conflict with the law are placed and a Methodology of visits to these institutions, which will serve to all relevant stakeholders in the future when visiting such institutions, whether they are *ad hoc* bodies or working groups or some permanently established bodies within the legislative or executive authorities, or within some independent institutions such as the Institution of Human Rights Ombudsman of Bosnia and Herzegovina.

In preparation of the mentioned Special report envisaged are visits to the institutions with prior sending to appropriate questionnaires for gathering data in order to get an insight into the situation in the institutions in which children in conflict with the law in Bosnia and Herzegovina are placed. During these visits envisaged is interview with professional staff of the institutions, their administrative and technical staff, while special focus is put to interviews with children.

Your participation in this interview is completely voluntary, and you can give it up at any time, noting that before the finalization of the Special Report, the Preliminary Report will be sent to all institutions and authorities for comment, who will have the opportunity to submit their suggestions and comments.

Have you understood everything we informed you about, do you have any additional questions or uncertainties? Since we are unable to record today's conversation, I will ask you to speak more slowly so that we can record all the information you provide us with. Thank you for understanding. If you have understood everything, can I consider that you accept participation in this conversation as I have stated?

I. GENERAL DATA ON THE INSTITUTION

Questions for interview	Notes
<p>How would you describe your general impression on the Institution?</p> <ul style="list-style-type: none"> • When it comes to the organizational structure of the Institution? • Are you satisfied with the infrastructure of the Institution and its technical equipment? • Are accommodation conditions satisfactory and adjusted to the beneficiaries or you think that the conditions could be improved? • Do you think that services provided by the Institution to the beneficiaries are adequate and satisfactory? • Do you think that accommodation capacity of the Institution is satisfactory and can meet the real needs? • How would you describe the employees, and how the beneficiaries? 	
<p>What is your general impression and your assessment of the functioning of judicial system as it comes to juveniles in conflict with the law?</p>	
<p>What do you see as key needs: of the Institution, of the beneficiaries, of the expert team of the Institution</p>	
<p>What do you see as advantage of the work in the Institution (what is the success of the Institution), and what are disadvantages (what you are not satisfied with)?</p>	

II. QUALITY STANDARDS AND THEORETICAL BASIS

Questions for interview	Notes
<p>On what values and principles is based the functioning of this Institution?</p>	
<p>On what theories and models is based the treatment work with minors? Are there certain techniques/methods implemented in the work with beneficiaries?</p>	

III. SPATIAL RESOURCES AND EQUIPMENT

Questions for interview	Notes
Do you consider working conditions in the Institution satisfactory?	
Are there certain things that should be improved in order for you to raise your job performance at higher quality level?	
Do you consider resources available to the Institution sufficient to meet the needs of the beneficiaries and professional staff of the Institution as it comes to: <ul style="list-style-type: none"> • Premises in which treatment activities are taking place (rooms, material, expert literature) • Human resources • Contents for sports activities • Contents for other activities (library, access to computer, internet, TV, radio, telephone, musical, fine arts studio) • Quality of food • Hygiene and maintenance of the premises in the Institution 	

IV. ORGANIZATION OF WORK

Questions for interview	Notes
Are there House rules and what they define? <ul style="list-style-type: none"> • Is its implementation monitored? • Are the rules abided? 	
Are the beneficiaries informed of their rights and obligations during the admission?	
How the work in the Institution is organized during the week days and during the weekend?	
When and for what reason the stay/treatment is finished? <ul style="list-style-type: none"> • Based on which indicators you make this decision? 	
How the beneficiaries are prepared for the end of treatment and release? <ul style="list-style-type: none"> • Is there a special program earmarked for this purpose? 	
Is the head of the Institution granting any privileges to the minors?	

V. SERVICES / PROGRAMS / ACTIVITIES

Questions for interview	Notes
<p>What services do you offer to your beneficiaries?</p> <ul style="list-style-type: none"> • What services are available at individual and group level? • How often the meetings are held and what topics are discussed? • Are there another group activities and which ones? 	
<p>What forms of individual professional support are available to the beneficiaries and in what way are they implemented and in what time intervals?</p> <p>Are parents included in individual plans?</p> <p>How the treatment program is implemented? What are advantages and disadvantages of treatment?</p> <p>Do you implement the non-violent communication program?</p> <p>Do you implement the assertive training program?</p> <p>Do you implement the treatment for empowerment for independent living?</p> <p>Do you implement the program of post-penal protection?</p>	

VI. ADEQUACY AND EFFICIENCY OF PROVIDED SERVICES

Questions for interview	Notes
How do you assess the needs of the beneficiaries?	
How do you plan the content of treatment for an individual beneficiary?	
Do you follow-up the efficiency of a particular service and how?	

VII. EXPERT TEAM

Questions for interview	Notes
What is the current profile of the expert team in the Institution? <ul style="list-style-type: none"> • What staff profiles are missing? • What staff profiles are sufficient? • Do you have any suggestions for change in structure in the next period? 	
When it comes to professional expertise within the collective, what do you think are advantages and what weaknesses/disadvantages?	
Is there possibility for professional advancement?	

VIII. TRAININGS

Questions for interview	Notes
Are there any trainings available for the expert team members? <ul style="list-style-type: none"> • If yes, how often, what topics are considered, who implements the training? • Is there interest within the Institution for trainings? • In what sense the situation can be improved? 	

IX. COMMUNICATION WITH PERSONS OUTSIDE THE INSTITUTION

Questions for interview	Notes
Can the beneficiaries maintain communication with persons outside the Institution? At least once a week with their parents and other relatives? Twice a month with other persons?	
Can the beneficiaries use the daily and annual leave?	
Do the beneficiaries have communication with social protection services?	
How this communication look like, what is its form?	

X. COOPERATION WITH ENTITIES WITH GOVERNMENTAL AND NON-GOVERNMENTAL SECTOR

Questions for interview	Notes
Has the Institution ever applied for some projects international organizations or NGOs?	
Does the Institution enjoy the support of the competent ministry: *in general in the work of the Institution? *in implementation of projects ?	
What kind of support you think the competent ministry could give to the Institution which would directly help you in your work? Does the competent ministry provides any kind of assistance in meeting the basic needs (e.g. procurement of the equipment, training of the employees etc.)?	
Do the local organizations and/or NGOs offer partnership to the Institution in some projects?	
What is your usual role in these projects?	
Has the Institution ever participated in a project related to reintegration of minors into society after serving the prison sentence?	

XI. BENEFICIARIES

Questions for interview	Notes
What is current profile of the beneficiaries who come to the Institution? Is there any change in trends compared to the previous period?	
Are the beneficiaries enabled to participate in drafting the plans (annual plans, planning of new services etc.)?	
In what way are beneficiaries included in planning and following up the efficiency of services? Do you include opinions and experiences of children/beneficiaries? In what aspects of work you include/consider the opinions of the beneficiaries?	
In what way is privacy of the beneficiaries in the Institution protected? (e.g. taking care of important private things of the youth, photographs, letters etc.)	

XII. RELATIONSHIPS BETWEEN THE BENEFICIARIES AND PROFESSIONAL STAFF OF THE INSTITUTION

Questions for interview	Notes
Who makes the expert team of the Institution?	
How the beneficiaries address the members of the expert team/professional staff members?	
In general, what is the relationship and communication between the beneficiaries and professional team members?	
How would you describe the feelings of the employees in the Institution and feelings of its beneficiaries?	
What could improve the situation additionally?	

XIII. SAFETY IN THE INSTITUTION

Questions for interview	Notes
Do you consider safety in the Institution satisfactory as it comes to both the employees and the beneficiaries?	
Were there situations that the safety of the beneficiaries was jeopardized?	

XIV. COVID

Questions for interview	Notes
Did the outbreak of Covid-19 affect the realization of the rights of minors in the Institution?	
Did the outbreak of Covid-19 affect negatively the psychological status of the beneficiaries of the Institution?	
Did the outbreak of Covid-19 affect negatively the maintenance of contacts of the beneficiaries with the external world (family, friends)?	

XV. HEALTH CARE

Questions for interview	Notes
<p>Do you think that the beneficiaries of the Institution have adequate health care?</p> <p>Primary health care Specialist services Addiction treatment program Systematic medical check-up Assessment of psychological status of the beneficiaries</p>	
<p>Do you think that these services could be improved?</p>	

Attachment 5. Protocol of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for interview with children and youth

Protocol for interview with children and youth

- Hello, present yourself, clarify that together with the expert team from the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina, we wish to find out how children and youth live in institutions like this one in which they are placed;
- Explain that team members are interested to know the advantages and disadvantages of living in an institution, how young people see the purpose of their stay and whether they have any suggestions for improving life and treatment, and that our plan is to visit all institutions of this type in BiH and talk to young people and adults in order to give guidelines for the actions which can make work and life in institutions more comfortable and better for children, youth and adults;
- Explain that we want to hear their views, that is why we invite them to openly and honestly exchange thoughts and ideas, respecting different views. Emphasize that there are no correct or incorrect answers, that it is very important for them to say everything they have, ask them to speak one by one to listen to each other and that they can possibly comment or add something... that participation in this conversation is voluntary and they decide for themselves whether they want to participate, regardless of whether the adults from the institution have asked them to participate and that they can also withdraw from participating in the interview at any time;
- We must guarantee the protection and confidentiality of children and emphasize that information that could reveal their identity will not be included in the report or presentation of results, and that there are no right or wrong answers and that we appreciate all their opinions, suggestions and ideas..
- Explain to the children that the team members have prepared questions as a guide for the interview, but also that the children can spontaneously get involved during the interview and answer the questions asked; Team members will write down the answers during the interview, but the interview will also be recorded, so that they can convey the messages you will tell us as faithfully as possible, but be sure to require the children's consent to record the interview; The recording will be used exclusively internally to produce reports and draw conclusions;

- Ask the children, “Now that you have all this information, do you want to continue the interview?”

Institution:

Town:

Time:

Team members:

Number of children:

Age and gender of children:

For how long are you placed in this Institution? When do your stay (placement, measure) in this Institution expires?

Where did you reside/live prior to your placement in this Institution?

What is the exact name of this institution, do you have a metaphoric, an internal name for the institution? If so, what is it and what does it mean? Do you have some name for the youths placed here?

How would you describe to someone who has never heard of, the institution where you currently live? What kind of institution is it and what do young people do here?

Key questions

What did your arrival at the institution look like? Briefly describe your first days. How did you feel? Who helped you, who informed you about where you came to and what your life will look like here?

What are the reasons for your placement in the institution?

How do you feel in the institution? Which makes you happy or unhappy? You can give concrete examples.

DAILY LIFE

Are you satisfied with the food, quality and quantity of meals? How many meals a day do you have?

Who participates in drafting the menu? Would you like to eat something which is not on the menu?

Do you have the conditions to meet your hygienic needs (bath, shower, etc.) How many times a week do you bathe? Do you have the necessary hygiene products for bath (towels, soap, etc.)?

Are you provided with clothes and footwear appropriate to the weather conditions and your needs?

Do you participate in organized cultural, sports or other activities outside the institution? How often?

Do you have the conditions for sports/physical activities?

Are workshops/sections organized in the institution?

What do you especially like about those workshops??

Are you allowed to attend classes of the desired specialization or education? Are you provided with the necessary accessories and books? Are you satisfied with the education provided??

Is there a possibility for job training?

Do you have access to the library, radio and television programs, the Internet, the press and other publications?

Are you allowed to use your daily, weekly and annual leave?

Are you satisfied with the provision of health services during your stay in the institution?

Is a systematic medical check-up carried out by the health institution?

Are you allowed to perform religious rites (for people who want it)?

Can certain privileges be realized in the case of your good behavior and which ones?

How does your usual day at the Institution look like? Please describe. What would you like to be different?

COMMUNICATION WITH THE ENVIRONMENT

Do you maintain contact with your family (phone, letters, visits, etc.) and in what way?

How often do you contact them, visit them?

How often does your family call/visit you?

Would you like to have something different in this segment?

How, in your opinion, your family experiences your stay in the institution?

Does any of you present here want to allow us to have a telephone conversation with your parents so that we talk to them about your stay in the institution, i.e. whether they are satisfied with the conditions of your stay and with the results of the imposed measures/sanctions?

Are you in contact with people other than family (peers, schoolmates, or neighbors)

Do other professionals and children come to the institution? Do you have the opportunity to socialize and talk with other adults or children, not just those who work there?

How do you communicate with the experts from the social welfare center or the court who referred you to this institution?

How often do professionals contact/visit you? What are you talking about on those occasions?

How often do you contact the professionals from the social welfare center and social protection service? What are you talking about on those occasions?

How satisfied are you with the relationship with your professional from the social welfare center?

How do you think local people look at the institution where you are placed, the employees of the Institution and you as its beneficiaries?

COVID-19

Whether and in what way the outbreak of Covid-19 affected you and your stay in the institution?

Have you been provided with psychological assistance in this regard in the form of conversations, counseling or the like?

Did you have the opportunity to visit during this period, if not, how it was organized?

Do you have access to protective equipment in the institution (masks, gloves, disinfectants)?

RIGHTS RELATED TO THE PROCEEDINGS

Are you informed about the rules of the institution, your rights and obligations in the first 24 hours after being admitted to the Institution? Have you been provided with a copy of the House rules of the Institution?

Do you know that you have the right to complain when you believe that your rights have been violated or that illegalities or irregularities have been committed during your stay in the Institution?

Do you know some of the rights that you have in the Institution - which ones? To which extent are these rights honored? Are some of your rights violated? Explain by giving examples.

To what extent your right to privacy, information, practicing your religion, participation in decision-making and the like are respected?

SITUATION IN THE INSTITUTION

What do you think about educators, do they take care of you and do they have enough understanding for you and your needs?

How would you describe your relationship with educators? How do you address your educators, and how do they address you? What do they do that suits/helps you? What do they do that you do not like/does not help you? What can you talk to them about?

How should an ideal educator behave?

Are there situations in which educators punish children and how is that punishment carried out?

Have you or any of your friends had such an experience?

Is there any way in the Institution that educators reward and praise you for desirable behaviors? If so, how, give some examples.

Is there anything you would like to change in this Institution that would make your stay more comfortable and useful?

To what extent is your opinion respected in this Institution? How are you involved in your treatment, stay in an educational institution? Do educators ask you for your opinion and in what things?

Are you allowed to work in the institution, on which jobs, how often and are you given any compensation for such work?

What disciplinary issues are most common in your Institution? What are the consequences of violating the rules of the Institution?

Are there any peer violence among you? (describe-verbal, physical, sexual) How common is this? How do educators or the head of the institution treat such phenomena? Are there any sanctions/penalties?

How would you describe your relationship with other children and young people in the group/institution? To what extent do you support and help each other, and to what extent do you agree less?

How would you describe your relationship with other adults in the institution, other than educators (other professional staff, security, cooks, housekeepers, caretakers/night guards, director, teachers)? What do they do that suits/helps you? What do they do that you do not like/does not help? What can you talk to them about? Is there anyone else who helps you from adults that we did not mention?

How does the stay in this Institution affect you? Do you think that your stay in this institution is useful/not ...? Can the stay in an institution help you solve your problems? Please explain.

Would you be better off somewhere else? Where would that be? Would it benefit you more, would you be more satisfied? Please, explain your answer.

How do you feel about the atmosphere in this Institution in general? How do you feel there? What is your general impression of all the relationships within the Institution?

Would you recommend to young people who are in the same/similar situation as you, to stay in this institution? Please explain the answer.

What do you plan to do after leaving the Institution? Who helps you to plan your release from the Institution? What would you like to know before going out?

Are there any additional observations that are not covered by our questions? If so, please explain!

Attachment 6. Questionnaire of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for external subjects participating in work with children placed in the institutions for the execution of institutional sanctions in Bosnia and Herzegovina

Questionnaire for external subjects participating in work with children placed in the institutions for the execution of institutional sanctions in Bosnia and Herzegovina

The questionnaire was created with the aim of gaining insight into the situation in institutions where minors in conflict with the law in Bosnia and Herzegovina are placed. Since your Institution is identified as an institution which participated in proceedings in which children in conflict with the law were sanctioned by placement into an institution for the execution of institutional sanctions toward minors, situation in which in 2021 is subject to a Special report of the Ombudsman. You answer the questions by circling one of the offered answers, or by entering the required information on a blank line where it is planned. Please be honest when answering questions, and do not skip questions, because each of your answers is important.

Thank you for your cooperation!

The Institution of Human Rights Ombudsman of BiH

GENERAL DATA ON THE INSTITUTION

Full name of the Institution:

Entity/District:

Canton:

Director/president of the Institution:

Structure of the employees working with children in conflict with the law (number, name of the position):

<i>Please fill in the following part of the Questionnaire for your Institution only</i>	
COURT	
How many juvenile judges are there in your court?	
Does juvenile judge visit minors placed in the institutions for the execution of institutional sanctions at least twice a year?	1. YES 2. NO
If the answer to the previous question is NO, please state the reasons:	
If the answer to the previous question is YES, please answer the questions that follow.	
Visits of minors in the Institution is carried out by	1. Juvenile judge who passed a decision based on which a minor was placed in the institution 2. Any juvenile judge of our court 3. Other judge not engaged in work with cases involving juvenile delinquency
Do juvenile judges maintain direct contacts with juveniles placed in institutions?	1. YES 2. NO
Do juvenile judges maintain direct contacts with professional staff working with institutionalized juveniles?	1. YES 2. NO
Do juvenile judges have direct insight into the appropriate documentation to review legality and regularity of the procedures implemented toward the juveniles?	1. YES 2. NO
Do juvenile judges consider the capacities for the treatment of institutionalized juveniles satisfactory?	1. YES 2. NO
In the previous period did juvenile judge notice any omissions in work of the institutions for the placement of minors?	1. YES 2. NO
If the answer is YES, please list these omissions:	
Whether it happened in the previous period that a judge in the course of the execution of a criminal sanction establishes that there are facts or circumstances indicating to the need of taking the measures for the protection of the rights of a minor and that this judge addressed the guardianship authority in the minor's place of residence or abode?	1. YES 2. NO
Do minors use the possibility of applying for conditional release?	

PROSECUTOR'S OFFICE	
How many juvenile prosecutors are there in your Prosecutor's Office?	
Does juvenile prosecutor visit minors placed in the institutions for the execution of institutional sanctions at least twice a year?	1. YES 2. NO
If the answer to the previous question is NO, please state the reasons:	
If the answer to the previous question is YES, please answer the questions that follow.	
Visits of minors in the Institution is carried out by	<ol style="list-style-type: none"> 1. Juvenile prosecutor who participated in investigation against a minor placed in the institution 2. Any juvenile prosecutor of our Prosecutor's office 3. Other prosecutor not engaged in work with cases involving juvenile delinquency
Do juvenile prosecutors maintain direct contacts with juveniles placed in institutions?	1. YES 2. NO
Do juvenile prosecutors maintain direct contacts with professional staff working with institutionalized juveniles?	1. YES 2. NO
Do juvenile prosecutors have direct insight into the appropriate documentation to review legality and regularity of the procedures implemented toward the juveniles?	1. YES 2. NO
Do juvenile prosecutors consider the capacities for the treatment of institutionalized juveniles satisfactory?	1. YES 2. NO
In the previous period did juvenile prosecutor notice any omissions in work of the institutions for the placement of minors?	1. YES 2. NO
If the answer is YES, please list these omissions:	
GUARDIANSHIP BODY	
Do you maintain regular contacts with juveniles placed in institutions for the execution of institutional sanctions during its execution?	1. YES 2. NO
If the answer to the previous question is NO, please state the reasons:	
If the answer to the previous question is YES, what type of contacts is that and how often do you realize it? Please describe.	

What persons from your Institution maintain contacts with the minors? Is it always the same person for all the minors?	
Do you maintain regular contacts with the families of juveniles placed in institutions for the execution of institutional sanctions during its execution?	1. YES 2. NO
If the answer to the previous question is NO, please state the reasons:	
If the answer to the previous question is YES, what type of contacts is that and how often do you realize it? Please describe.	
What persons from your Institution maintain contacts with the families of the minors? Is it the same person who also maintain the contact with the minors	
Do you maintain regular contacts with the institutions in which the minors are placed?	1. YES 2. NO
If the answer to the previous question is NO, please state the reasons:	
If the answer to the previous question is YES, what type of contact it is and how often do you realize it? Please describe.	
What persons from your Institution maintain mentioned contacts with the institutions?	
Are social protection services working with the minors during their preparations for release?	1. YES 2. NO
After the execution of the sanction do you assist the minor in finding accommodation and environment in which they will live after their release? Please describe.	1. YES 2. NO
Do you assist the minors after their release to finish their education and professional training? Please describe.	1. YES 2. NO
Do you assist the minors after their release in medical treatment for the protection of their physical and mental health? Please describe.	1. YES 2. NO
Do you assist the minors after their release li in finding job? Please describe.	1. YES 2. NO
Do you assist the minors after their release in securing food, clothes and financial resources? Please describe.	1. YES 2. NO
In which way you take care of minors without the parental care? Please describe only if you had concrete examples in your work.	

Questionnaire filled in by (name and surname, education and position within the Institution):

Date: