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ИНСТИТУЦИЈА ОМБУДСМЕНА/ОМБУДСМАНА
ЗА ЛЉДСКА ПРАВА БОСНЕ И ХЕРЦЕГОВИНЕ

SPECIAL REPORT

“The Juveniles and Children in Conflict with Law”

Banja Luka, October 2012

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I - INTRODUCTION

Institution of human rights ombudsmen/ombudsman of BiH, Department for following of the rights of the child (hereinafter: Ombudsman Institution), in cooperation with Save the Children, in 2012, within the Project „Strengthening of capacity of the Department for following the rights of the child of the Institution of Human Rights Ombudsman of BiH“ conducted research on situation in institutions for accommodation of minors and children in conflict with law, resulting in preparation of Special Report „Strengthening of capacities of the Department for following of the rights of the child of the Institution of Human Rights Ombudsman of BiH“. Research covered entire territory of BiH, that is, 8 competent institutions in the Federation of BiH and Republika Srpska, and the research itself was performed through collection of data provided by professional staff, as well as by minors accommodated in these institutions, and interviews with experts from the area of rights of the children in conflict with law.

BiH Ombudsmen assessed that it is necessary to prepare such an analysis of the situation in institutions with a view to get data and information showing a realistic picture of current situation of the rights of the child and minors accommodated in institutions for maintenance of juvenile detention, associated with corrective measures. This analysis should provide a clear answers concerning work with this category of children, including showing directions in which efforts should be paid for improvement of the situation in this area.

Preparation of Special Report „Young persons and children in conflict with law“ is primarily aimed to indicate relevant legal framework determining area of minors in conflict with law, show real situation in practice, reveal advantages and lacks determined through research, and issuing of recommendations to competent institutions and organs of legislative and executive authorities on the level of State of BiH and its entities with purpose of improvement of the situation of the rights of the children in conflict with law. Special focus is given to rights of children doing sentences in juvenile prisons and correctional measures in competent institutions, including general improvement in these institutions.

Ombudsmen find that there are great gaps between legislation and application of legislation in practice in area of juvenile judiciary, that is, they insist on consistent application of legislation and are of the position that it is necessary further to improve legislation through introduction of international standards. Besides, there lack effective mechanisms for periodical examination of accommodation in institutions, the children are non-acquainted with or are disabled from possibility of filing complaints on various basis, and in BiH there is a constant problem due to absence of statistical data and independent body for monitoring of work of the institutions and conditions for execution of criminal sanctions.

In carrying out of their duties concerning young persons and children in conflict with law and promotion of their rights, in conformity with international standards, the Ombudsmen encounter numerous problems in this area, from lack of adequate budgetary resources to lack of human resources, particularly professional staff, in order to respond to all challenges and problems in this area. However, all of it does not prevent Ombudsmen, regardless of these difficulties, to inform professional and wider public audience on problems encountered by children and request competent organs to resolve mentioned problems. It is exactly independent institutions for protection of human rights who should examine reasons causing violation of the rights of the

child, to insist on application of preventive measures, all of it aimed to preparation of strategic plans and permanent resolutions. Preparation of present report is an attempt by the Ombudsmen to use their impact for protection and promotion the rights of the child and young persons in conflict with law in order to work on establishment of transparent and effective measures aimed for purpose of punishments generally, and to underline necessity for introduction of alternative measures and sanctions, i.e., necessity that experts and professionals are acquainted with conditions for application of alternative measures/sanctions. Fulfillment of these goals and resolving of problems require multidisciplinary approach and better cooperation and coordination between all competent organs.

II – METHODOLOGY

Preparation of Special Report was of researching character, and it primarily covers analysis in the field. In this sense, research was conducted in two phases. These are: preparation of Special Report and analysis of the situation in the field. In this sense research was performed in two phases:

1. Analysis of relevant legal framework, including analysis of international standards and domestic legislation in the this legal area;
2. Analysis of the situation in the field conducted through distribution of questionnaires in 8 competent institutions in the Federation of BiH and Republika Srpska, interviews with targeted groups of children in these institutions as well as individual interviews with experts from this area.

Collection of data took place in period June-October 2012.

Analysis of legal framework primarily includes analysis of international standards, that is, analysis of UN Convention on the Rights of the Child, European Prison Rules, etc. Analysis of domestic legislation includes Criminal Code of BiH, BiH the Law on Execution of Criminal Sanctions, detention and other measures and the Law on Treatment and Protection of Minors in Criminal Proceedings of Republika Srpska.

Since analyze of the situation in the field is consisted of two parts, collection of data through questionnaires, work on targeted groups of minors was performed in July of 2012. Questionnaires were distributed to all institutions in BiH where minors do their sentences in juvenile prisons and go through correctional measures, while work with targeted groups was performed in the following six institutions: Institution for correction of male children and young persons in Sarajevo, Department of juvenile prison in Correctional institution of closed type in Zenica, Correctional unit within Correctional institution of closed type in Tuzla, Correctional unit within Correctional institution of closed type in Tunjice in Banjaluka, drop-in center for minors in Banjaluka, and juvenile prison in East Sarajevo. Individual interviews were organized with experts from Law Faculty in Sarajevo, Law Faculty in Banjaluka, Law Faculty in Mostar, BiH Court, Municipal Court in Banjaluka and members of independent commission¹ of the Parliamentary Assembly of BiH and Commission for monitoring of correctional institutions of the Ministry of Human Rights and Refugees of BiH. Individual interviews took place in October of 2012, and were aimed to collection of knowledge and experience from experts in this area, which significantly contributed in preparation of recommendations to competent levels of legislative and executive authorities.

¹ Independent Commission for following conditions of stay in prisons, treatment and recognition of human rights of people sentenced to criminal sanctions and other measures ordered by BiH Court in criminal proceedings, foreign courts for offences envisaged by BiH Criminal Code, international treaties Nezavisna komisija za praćenje uvjeta boravka u zavodima, postupanje i poštivanje ljudskih prava osoba nad kojima se izvršavaju krivične sankcije i druge mjere koje je izrekao u krivičnom postupku Sud BiH, strani sudovi za djela predviđena Krivičnim zakonom BiH, međunarodnim ugovorom, čiji je potpisnik BiH ili drugi sud u skladu sa zakonom BiH

III - LEGAL FRAMEWORK

3.1. International standards

Assessment of the situation in institutions for accommodation of minors and children in conflict with law was performed based on principles and standards determined by international and regional conventions directly applicable in domestic legal system, which particularly applies to *UN Convention on the Rights of the Child (1989) (CRC)*², *European Prison Rules*³ and other international documents.

Position and rights of the children in conflict with law is legally defined by Articles 37 and 40 of ***the Convention on the Rights of the Child (1989) (CRC)***, being fundamental and universal international document form area of protection of the rights of the child.

Article 37 of the Convention prescribes obligation of state parties to take care that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.

*No child shall be deprived of his or her liberty unlawfully or arbitrarily. 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 time*⁴

*Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall 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 circumstances.*⁵

*Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.*⁶

Article 40 of the Convention sets forth that States Parties recognize the right of every child alleged

² Adopted on 20 November 1989 by UN General Assembly

³ Recommendation (2006)2 of the Committee of Ministers of state members related to prison rules adopted on session of 11 January 2006.

⁴ UN Convention on the Rights of the Child, Article 37.

⁵ Ibid

⁶ Ibid

as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that no child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed.⁷

Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

- To be presumed innocent until proven guilty according to law;*
- To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;*
- To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;*
- Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;*
- If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;*
- To have the free assistance of an interpreter if the child cannot understand or speak the language used;*
- To have his or her privacy fully respected at all stages of the proceedings.⁸*

In the sense of article 40 of the Convention various orders shall be accessible, such as: care, guidance and supervision orders; counseling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

⁷ UN Convention on the Rights of the Child, Article 40.

⁸ Ibid

Execution of juvenile prison punishment was monitored by the Ombudsmen in the light of obligation for ensuring implementation of **European prison rules**, which, inter alia, defines that persons below 18 years of age should not be placed in prisons together with adult persons, but in the institutions specially designed for this category.⁹ If children are nevertheless exceptionally held in such a prison there shall be special regulations that take account of their status and needs.¹⁰ *Where children are detained in a prison they shall be kept in a part of the prison that is separate from that used by adults unless it is considered that this is against the best interests of the child.*¹¹

Where exceptionally children under the age of 18 years are detained in a prison for adults the authorities shall ensure that, in addition to the services available to all prisoners, prisoners who are children have access to the social, psychological and educational services, religious care and recreational programmes or equivalents to them that are available to children in the community.¹² Every prisoner who is a child and is subject to compulsory education shall have access to such education.¹³

Infants may stay in prison with a parent only when it is in the best interest of the infants concerned. They shall not be treated as prisoners.¹⁴ Where such infants are allowed to stay in prison with a parent special provision shall be made for a nursery, staffed by qualified persons, where the infants shall be placed when the parent is involved in activities where the infant cannot be present.¹⁵ Special accommodation shall be set aside to protect the welfare of such infants.¹⁶

Special attention shall be paid to acts explaining practical application of international standards in this area, such as UN Minimum Rules for treatment of prisoners,¹⁷ procedures for effective implementation of these standards¹⁸, *Basis principles for treatment of prisoners*¹⁹, UN Rules for protection of minors deprived of liberty, so-called „Havana Rules“²⁰ and UN standard minimum rules for juvenile judiciary of 1985, so-called „Beijing Rules“²¹.

UN Rules for protection of minors deprived of liberty, so-called Havana Rules determines that Decision on deprivation minors of liberty should be the last possibility, on minimum period of time and limited, and shall be applied only exceptionally.²²

Deprivation of liberty should be in conformity with principles and procedures of international law. Deprivation of liberty should be executed only in institutions that guaranty meaningful activities

⁹ European prison rules, Article 11.1

¹⁰ European prison rules, Article 11.2.

¹¹ European prison rules, Article 35.4

¹² European prison rules, Article 35.1

¹³ European prison rules, Article 35.2

¹⁴ European prison rules, Article 36.1

¹⁵ European prison rules, Article 36.2

¹⁶ European prison rules, Article 36.3

¹⁷ Human rights; Compilation of international instruments Ljudska prava. vol. I, Part one: Universal instruments Universal instruments (UN publications No. E.02.XIV.4 (vol. I, part I), sec. J., No. 34.

¹⁸ Resolution of Economic and social council of 1984/47, annex

¹⁹ Resolution 45/111, annex

²⁰ Adopted in 1990 by UN

²¹ Adopted in 1985 by UN

²² UN Rules for protection of minors deprived of liberty, Basic principles

and programs that promote health, self-respect and sense of responsibility of minors.²³

*Institutions of closed type should be decentralized to enable access and contacts with family members and enable re-integration in society.*²⁴

*Establishment of small, open institutions is fully encouraged due to possibility for application of individual treatments and because they open possibility for avoiding negative effects of deprivation of liberty.*²⁵

*Care for minors deprived of liberty is social care of special importance. Institutions should encourage skills and abilities of minors and assist them in development of their potentials as members of society. All minors deprived of liberty should be assisted to understand their rights and obligations during detention, they must be informed on goals of care provided to them.*²⁶

*Personnel working with juvenile delinquents must provide them with adequate education, including education on welfare of the child and human rights. Minors should benefit from activities and programs designed to assist them in their re-establishment in society.*²⁷

UN standard minimum rules for juvenile judiciary of 1985, so-called „Beijing rules“ sets forth that accommodation of minors in institutions is always the last resort executed in the shortest period of time.²⁸

*Minors in institutions must be protected and provided with all needed assistance – social, educational, vocational, psychological, medical and physical – that could be needed due to their age, sex and personality, which is in interest of their overall development.*²⁹ Juvenile female delinquents accommodated in institutions require special care due to their personal needs and problems, and should be never given less protection, assistance, medical treatment, training than young male offenders.³⁰

Standard minimum rules for treatment of detainees and associated recommendations should be applied in relevant measure applicable to juvenile delinquents in institutions, also including those waiting for trial in detention.

At this point, it is significant to point at **UN rules for treatment of female prisoners and application of alternative measures toward female offenders, so-called „Bangkok rules“**³¹, which in segment related to imprisoned female minors prescribes *obligation of prison managements to undertake measures targeted to protection of needs of imprisoned female minors.*³²

Juvenile female prisoners shall have equal access to education and vocational training that are available to juvenile male prisoners.³³

²³ Ibid

²⁴ Ibid

²⁵ Ibid

²⁶ Ibid

²⁷ Ibid

²⁸ UN standard minimum rules for juvenile judiciary, Article 19.1

²⁹ UN standard minimum rules for juvenile judiciary, Article 26.2

³⁰ UN standard minimum rules for juvenile judiciary, Article 26.4

³¹ Adopted by UN on 22 July 2010 through Resolution No. 2010/16

³² UN rules for treatment of female prisoners and application of alternative measures toward female offenders, Article

³³ UN rules for treatment of female prisoners and application of alternative measures toward female offenders, Art 37.

Juvenile female prisoners shall have access to age- and gender-specific programmes and services, such as counseling for sexual abuse or violence. They shall receive education on women's health care and have regular access to gynecologists, similar to adult female prisoners.³⁴

Pregnant juvenile female prisoners shall receive support and medical care equivalent to that provided for adult female prisoners. Their health shall be monitored by a medical specialist, taking account of the fact that they may be at greater risk of health complications during pregnancy due to their age.³⁵

International standards were used in preparation of present Report from the area of restorative justice in the system of juvenile judiciary which seek to establishment measures alternative to prison sentence within domestic legal system and, inter alia, UN minimum standard rules for measures alternative to institutional treatment of 1990, so-called „Tokyo Rules“³⁶, *Resolution No. 1997/30 of UN Economic and social council for application of juvenile judiciary*³⁷, *Recommendation (2003) 20 of the Council of Europe to member states on new ways of treatment of juvenile delinquency and on role of juvenile judiciary*³⁸ and Declaration on basic principles of application of programs of restorative justice in criminal issues³⁹.

Bosnia and Herzegovina submitted report to UN Committee for the rights of the child (hereinafter: UN Committee) on the situation of the rights of the child in BiH, and in 2005 UN Committee sent concluding considerations according to which BiH has still not fully acted, although the time for submission of new report is getting shorter.

UN Committee recommended to state fully to harmonize system of juvenile judiciary with the Convention, particularly with articles 37, 39. i 40. and other UN standards in the area of juvenile judiciary, such as: UN Rules on minimum standards for juvenile judiciary (Beijing Rules), UN Guidelines for prevention of juvenile judiciary (Riad Guidelines), UN Rules on protection of minors deprived of liberty and Vienna Guidelines for recommendations of the Committee that emerged from general discussion on juvenile judiciary.

3.2. BIH LEGISLATION⁴⁰

Issues of minors and children in conflict with law are regulated by the following pieces of legislation: *Criminal Code of Bosnia and Herzegovina*⁴¹, ⁴², *Criminal Code of Federation of Bosnia*

³⁴ UN rules for treatment of female prisoners and application of alternative measures toward female offenders, Art 38.

³⁵ UN rules for treatment of female prisoners and application of alternative measures toward female offenders, Art 39.

³⁶ Adapted in 1990 by UN

³⁷ Adapted in 1997 by UN economic and social council

³⁸ Adopted in 2003 by the Committee of Ministers

³⁹ Adopted in 2000

⁴⁰ For purpose of preparation of Special Report analysis included only criminal legislation, that is, existing regulations at the level of BiH. Exception is analysis of the Law on Protection and Treatment of Minors in Criminal Proceedings of Republika Srpska, since this is the first and currently only piece of such legislation that entered into force in BiH and deals only with rights of minors in legal segment and treatment of minors in proceedings in the District of Brčko. It is adopted 2011, however, still not entered into force, while in FBiH draft law is in parliamentary procedure.

⁴¹ „Official Gazette of BiH“, No: 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10

⁴² „Official gazette of RS“, No: 49/03, 108/04, 37/06, 70/06, 73/10 i 1/12

and Herzegovina⁴³, Criminal Code of BiH District of Brčko⁴⁴, the Law on Criminal Procedure of BiH⁴⁵, the Law on Criminal Procedure of Federation of BiH⁴⁶, Law on Criminal Procedure of Republika Srpska⁴⁷, the Law on Criminal Procedure of BiH District of Brčko⁴⁸, BiH Law on Execution of Criminal Sanctions, Detention and Other Measures⁴⁹, Law on Execution of Criminal Sanctions of Republika Srpska⁵⁰, the Law on Execution of Criminal Sanctions of Federation of BiH⁵¹ the Law on Execution of Criminal Sanctions of BiH District of Brčko⁵² the Law on Protection and Treatment of Minors in Criminal Proceedings of Republika Srpska⁵³.

Criminal Code of BiH defines execution of juvenile prison stipulating that older minor, below of 18 years of age, punishment of juvenile prison shall be executed in separated correctional institutions for juvenile delinquents. Regarding persons older than 18 and younger than 23 (younger adult persons), punishment of juvenile prison is executed in separated institutions for younger adult persons or in separated units of prisons for adult persons and it is ensured that younger adult persons do not contact adult prisoners. Regarding person who gets older than 23 before end of sentence, the rest of prison sentence is executed in correctional institution for adult persons.⁵⁴

Younger adult person can serve their sentences in correctional institution for juvenile delinquents until completion of schooling or professional training. Nevertheless, younger adult person can not in no case serve its sentence in juvenile correctional institution, if it would in any way bring damage for minors serving their sentences of juvenile prison in the same institution.⁵⁵

Choice of work for convicted minor is performed according to its skills and tendencies for certain jobs with purpose of professional training and in accordance with conditions existing in juvenile prison. Younger adult person shall also have possibility for education and professional training, regardless of whether the sentence is served in separate institution or separate unit of correctional institutions for adult persons.⁵⁶

*Working hours of convicted minor is defined in manner which allows both professional training and enough time for physical training and recreation.*⁵⁷

Convicted minor may be conditionally released from prison after serving of one third of the sentence, yet not before he/she served one year of prison. At the time of conditional release court

⁴³ "Official Gazette of FBiH", No: 36/03, 37/03, 21/04, 69/04, 18/05, 42/10 i 42/11

⁴⁴ "Official Gazette of BD of BiH", No.: 10/03, 45/04, 06/05, 21/10 i 52/11

⁴⁵ "Official Gazette of BiH", No: 03/03, 32/03, 36/03, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 12/09, 16/09 i 93/09

⁴⁶ "Official Gazette of FBiH", No: 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 09/09 i 12/10

⁴⁷ "Official Gazette of RS", No: 50/03, 111/04, 115/04, 29/07, 68/07, 119/08, 55/09, 80/09, 88/09 i 92/09

⁴⁸ "Official Gazette of BD of BiH", No: 10/03, 48/04, 06/05, 12/07, 14/07 i 21/07

⁴⁹ "Official Gazette of BiH", No: 12/10 – consolidated wording

⁵⁰ "Official Gazette of RS", No: 12/10 i 117/11

⁵¹ "Official Gazette of FBiH", No: 44/98, 42/99, 12/09, 42/11

⁵² "Official Gazette of BD of BiH", No. 312/11

⁵³ "Official Gazette of RS", No: 13/10

⁵⁴ „Criminal Code of BiH“, Articlxe 109. paragraph 1.

⁵⁵ „Criminal Code of BiH“, Articlxe 109. paragraph 2

⁵⁶ „Criminal Code of BiH“, Articlxe 109. paragraph 3.

⁵⁷ „Criminal Code of BiH“, Articlxe 109. Paragraph 4

may order correctional measure of strengthened surveillance by competent organ of social protection.⁵⁸

*Juvenile convict, except in exceptionally conditions, shall have the right to maintain contacts with its family through correspondence and visits.*⁵⁹

BiH Law on Execution of Criminal Sanctions, detention and Other Measures regulates issue of accommodation of juveniles deprived of their liberty prescribing *accommodation in separate units in prison or separate prison facilities in entity where imprisoned person have place of residence, where convicted minors can stay at most up to age of 23, and if sentence is still not completed, it will be transferred to a prison where adult person serve their sentences.*⁶⁰ Persons serving punishment of juvenile prison must have spaces to stay separated from spaces of other prisoners, if they are accommodated in a separate unit.⁶¹

The Law further sets forth that *in separate unit or institution there are primary and secondary schools in conformity with regulations on primary and secondary schools, or, in cooperation with adequate primary and secondary schools, in separate units or institution, there shall be organized classes of primary or secondary schooling for education of imprisoned persons.* Persons who serve sentence of juvenile prison can *exceptionally*, under surveillance of educator, for completion of started schooling attend a school outside institution, where it is allowed due to security situation and treatment's program.⁶²

*Persons serving sentence of juvenile prison can not be limited in correspondence with parents and other close relatives.*⁶³

*Person serving sentence of juvenile prison, who behaves well and provides efforts in learning and work, can be allowed by warden to have vacation to visit parents and other close relatives. Vacation can be allowed twice a year, none of which can be longer than 20 days.*⁶⁴

Person serving sentence of juvenile prison, who is younger than 23 years of age, exceptionally may be disciplinary punished by placement in isolation room at most up to 5 days.⁶⁵ Person serving juvenile prison who is younger than 23 years of age can not be exposed to measure of isolation.⁶⁶

*During carrying out of correctional measures for minors, treatments should be in the way adequate to their age and personal features, following pedagogic, andragogical and psychological principles. Minors should be encouraged actively to participate in their education, to change their positions and bad habits, and work on development of their sense of responsibility for their behavior. During execution of correctional measures, imprisoned minors shall be, in accordance with their age and abilities, as well as their tendencies toward certain occupation, ensured primary and secondary education and professional training.*⁶⁷

⁵⁸ Criminal Code of BiH, Article 109, paragraph 5.

⁵⁹ Criminal Code of BiH, Article 109, paragraph 6.

⁶⁰ BiH Law on Execution of Criminal Sanctions, Detention and Other Measures, Article 190, paragraph 1.

⁶¹ BiH Law on Execution of Criminal Sanctions, Detention and Other Measures, Article 190, paragraph 3.

⁶² BiH Law on Execution of Criminal Sanctions, Detention and Other Measures, Article 192.

⁶³ BiH Law on Execution of Criminal Sanctions, Detention and Other Measures, Article 194, paragraph 1.

⁶⁴ BiH Law on Execution of Criminal Sanctions, Detention and Other Measures, Article 195, paragraphs 1 and 2..

⁶⁵ BiH Law on Execution of Criminal Sanctions, Detention and Other Measures, Article 196, paragraph 1.

⁶⁶ BiH Law on Execution of Criminal Sanctions, Detention and Other Measures, Article 197.

⁶⁷ BiH Law on Execution of Criminal Sanctions, Detention and Other Measures, Article 220..

The Law on Protection and Treatment of Minors in Criminal Proceedings of Republika Srpska determines *Special rules of treatment of the children in conflict with law, younger adults and children victims and witnesses that courts and prosecutor's offices are due to deal with, including competent official persons, organs of guardianship, families, schools, institution at all levels of social community*, as well as other participants included in criminal proceedings in order without discrimination to sense of dignity and personal values of children shall be improved, taking into account age of a child, the best interest of the child, its right to life, survival and development, enabling child in accordance with its age and maturity expresses its opinion on all issues related to him/her, having in mind that all effort should lead to rehabilitation and social re-integration and taking a constructive role in society.

IV – ANALYSIS OF THE SITUATION

4.1. Introduction remarks

As aforementioned⁶⁸, the following data, showing the situation of the rights of children and minors in certain institutions and general situation in all institutions in entire territory of Bosnia and Herzegovina, are collected by professional staff of these institutions (56 interviewed persons) and immediate interviews with minors accommodated in these institutions.

Analysis of situation of the right of minors and children in conflict with law includes the following types of institutions:

1. Unit for juvenile prison
2. Institution for execution of correctional measures
 - a. Institutions for execution of disciplinary measures
 - b. Institutions for execution of institutional measures
 - b.1. Correctional units within correctional institutions
 - b.2. Correctional institutions

4.1.1. Unit of juvenile prison

Research included the following units of juvenile prisons:

1. Unit of juvenile prison within correctional prison, Zenica
2. Juvenile prison, Istočno Sarajevo

According to solutions envisaged by Criminal Code of BiH, *only older juvenile delinquent, who committed criminal offence with prison sentence longer than 5 years, due to serious consequences of the offence and degree of guiltiness, may be punished, would not be justified to be ordered correctional measure*. Punishment of juvenile prison can not be shorter than 1 year or longer than 10 years, and penalty shall be imposed in half a year or one year imprisonment.

Sentencing older juvenile for criminal offence, court can not give judgment of juvenile prison longer than imprisonment for particular offence prescribed by the Law, yet court is not tied to

⁶⁸ II Methodology, page 2.

minimum penalty. Further, sentencing penalty to older juvenile, court shall take into account all circumstances impact to shorter or longer punishment, particularly taking in account degree of mental development of perpetrator and time needed for its pedagogic and professional training..

Unlike aforementioned, the Law on Protection and Treatment with Juveniles in Criminal Proceedings of Republika Srpska set forth that *penalty of juvenile prison sentenced to juvenile offender can not be longer than five years and is imposed in years or months.*

BiH Law on Execution of Criminal Sanctions, Detention and Other Measures prescribes that sentence of juvenile prison shall be executed in separate units for minors in institutions or in separate institution in entity where imprisoned person has a place of residence, where juvenile persons can stay until age of 23 years, and if the sentence is not served until said age these persons shall be transferred to institution in which adult persons serve their prison sentences. Exceptionally, in juvenile prison, that is, in separate unit, may stay a person of full 23 age of life, if it is needed for completion of schooling or professional training, yet at longest up to age of 25 years. Persons serving penalty of juvenile prison must have separated rooms for stay from rooms of other prisoners, if they are accommodated in separate unit.

According the Law on Protection and Treatment with Juveniles in Criminal Proceedings of Republika Srpska, penalty of juvenile prison is executed in separate correctional facility for the juveniles who can not get in touch with correctional institutions for the adults. *Penalty of juvenile prison for female persons is executed in separate correctional facilities for juvenile females or in separate unit of male juvenile prison.* The minors who, during serving their sentences become adults, still stay in juvenile prisons or in unit for young adults, except where their social reintegration would bring better effects if they are accommodated in prison for adult persons. Young adult persons sentenced to juvenile prison, shall be accommodated in facilities with similar conditions as juvenile prison.

4.1.2. Institutions for execution of educational measures

4.1.2.1. Institutions for execution of disciplinary measures

Research included the following institutions for execution of disciplinary measures:

1. Drop-in center for juveniles, Banja Luka
2. Disciplinary center for juveniles, Sarajevo
3. Disciplinary center for juveniles, Tuzla

Criminal Code of BiH prescribes that *younger juvenile (14 – 16 years of age) may only be ordered educational measures and, exceptionally, such measures could be ordered to older juvenile (16 – 18 years of age), where it is set forth by Criminal Code.* Disciplinary measures of accommodation in disciplinary center for juveniles are ordered to juvenile criminal offender who needs no longer correctional or pedagogic measures, particularly if offence is committed out of recklessness or lightheadedness.

Selecting educational measures, court shall take into account age of minor, degree of its mental development, psychological features, tendencies, reasons for commitment of criminal offence, previous education, surroundings and circumstances of its living, seriousness of criminal offence and whether he/she was previously ordered to educational measure or punishment and all other circumstances that can impact to sentence of educational measure.

A Juvenile sentenced to disciplinary center for juveniles, can be sentenced to disciplinary center by court:

- for imposed number of hours in time of holidays, yet at longest for 4 consecutive days of a holiday;
- for imposed number of hours during a day, and no longer than one month;
- permanent stay for certain number of days, no longer than 20 days.

Deciding measure of accommodation in disciplinary center, court shall take care that execution does not prevent a juvenile from regular schooling or work. In disciplinary center a juvenile can work on useful jobs corresponding to its age, if he/she or guardians agree. Deciding on educational measure of accommodation in disciplinary center for minors, court can also decide on correctional measure of strengthened supervision by competent body of social protection, which is executed following execution of correctional measure of accommodation in juvenile disciplinary center.

According the Law on Protection and Treatment of Juvenile in Criminal Proceedings of RS, a minor shall be accommodated in correctional center when adequate short-term measures are necessary for impact to his/her personality and behaving.

A minor is accommodated in educational center:

- To imposed certain number of hours for each day out of at least 14 days and at most 30 days;
- To continuous number of days of at least 15 days and at longest 3 months.

Juvenile's stay in educational center must be consisted of activities adequate for its features, education, useful work adequate for its abilities and interests as well as other educational contents targeted to development of the sense of responsibility. Together with decision on accommodation in educational centre court can also order some of the measures of strengthened supervision.

4.1.2.2. Institutions for execution of institutional measures.

Criminal Code of BiH prescribes that institutional measures

Institutional measures shall be imposed on a juvenile perpetrator of a criminal offence when it appears necessary to submit him to extended measures of education, rehabilitation or treatment, as well as to detach him completely from his old environment.

4.1.2.2.1. Educational and correctional homes

Research included the following educational and correctional homes within correctional institutions:

1. Educational and correctional home within correctional institution Tunjice, Banja Luka
2. Educational and correctional home within correctional institution, Tuzla

When deciding on the appropriate educational measure, the court shall take into account the age of the juvenile, the degree of his mental development, psychological traits, his propensities, the motives from which he perpetrated the deed, the education and upbringing he was as yet provided with, his environment and living conditions, the gravity of his deed, whether he has a previous record of punishment or whether an educational measure has previously been ordered to him, and all other circumstances relevant to the selection

of such a measure or juvenile imprisonment. Education and upbringing home juvenile offender shall stay at least 1 and at longest 5 years. The court shall not impose time period but shall subsequently decide on it.

According to the Law on Protection and Treatment of Juveniles in Criminal proceedings of Republika Srpska, court imposes measure of accommodation of juvenile offender in educational and correctional home when it is necessary to detach him/her from his/her environment and if it is necessary to apply intensified measures and professional programs of re-education. When deciding on the appropriate measure, the court shall particularly take into account the gravity and nature of his deed, and whether he has a previous record of punishment or whether an educational measure has previously been ordered to him. Juvenile convict can stay un educational and correctional home at least six months and at longest four years, and the court shall every six months consider whether exist bases for suspension of execution of this measure or its replacement by some other educational measure.

Aforementioned Law determines that institutional measure of accommodation in educational and correctional home, imposed on male, shall be executed in educational and correctional for such persons, while where such measure is imposed on female, this measure shall be executed in educational and correctional home for female juveniles, or in separate female unit of educational and correctional home for juvenile male prisoners. Adult person with imposed measure of accommodation in educational and correctional home, and juveniles who become adult during duration of the measure in educational and correctional home, shall be accommodated in separate unit of the home. Person imposed to measure of accommodation can stay in educational and correctional home up to 23 years of age.

4.1.2.2.2. Educational institutions

Research included the following educational institutions:

1. The institution for education of male children and the youth "Hum", Sarajevo

Criminal code of BiH prescribes that the court shall impose the educational measure of committal to an educational institution on a juvenile who has to be submitted to lasting supervision on the part of trained educators in the institution for the education of juveniles. The juvenile shall remain in the educational institution for a term not shorter than six months and not longer than three years. When imposing the measure, the court shall not determine its duration, but shall subsequently decide thereupon.

Unlike solutions envisaged by Criminal Code of BiH, the Law on Protection and Treatment of Juveniles in Criminal Proceedings of Republika Srpska, the court shall impose measure of committal in educational institution when it is necessary to detach the juvenile from his living environment and ensure him assistance and continuous supervision by professional educators in educational institutions for juvenile offenders.. According to the Law. The juvenile stay in educational institution at list for six months and not longer than two years, and the court shall every six months consider whether there is ground for suspension of execution of the measure or it should be replaced by some other educational measure.

4.1.3. The purpose of educational measures and sentences to juvenile imprisonment

The purpose of educational measures and sentence to juvenile imprisonment is to provide protection and assistance to the juvenile offenders, supervision over them, their professional training and development of their personal responsibility ensuring their education, re-education and proper development. Moreover, purpose of punishment by juvenile imprisonment is of

special impact to juvenile criminal offender not to commit criminal offences in future, as well to other juveniles not to commit criminal offences.

4.2. Analysis of situation in certain institutions where the juveniles in conflict with law are accommodated

4.2.1. Introductory remarks

This analyze is prepared on data provided by professional staff of the institutions through distributed questionnaires and interviews / targeted groups of imprisoned juveniles.

Focus groups carried out with juveniles currently serving sentences of juvenile imprisonment, educational – institutional measures, and with juveniles who on the date of visit were in disciplinary or drop-in centers. Interviews were carried out in all institutions were exclusively with imprisoned male juveniles because at the tame of visit of focus group there were not imprisoned female juveniles.

4.2.2. Unit of juvenile prison within correctional institution in Zenica

Introductory remarks

Unit of juvenile prison within correctional institution in Zenica (hereinafter: Prison) has been formed following the war BiH (1992 – 1995).

Unit of juvenile prison is placed in the most remote corner of Zenica Prison, which is of the closed type, and this unit is so-called Unit 5 of the Prison or Pavilion 5. Building of the Unit of juvenile prison is consisted of two floors, that is, ground floor and the first floor. The juveniles serving sentences of juvenile imprisonment are placed at the first floor, while at the ground floor are placed the adult prisoners who, due to their good behaving are accommodated in separate space and prisoners with disabilities.

Allegations provided by staff of Unit of juvenile prison show the problem of lack of professional staff for work with the juveniles is confirmed by the by the fact that in the Prison only one educator works with children and one supervisor and 4 prison guards.

Accommodation capacity of juvenile prison is 15 juveniles. Currently, there are 14 imprisoned juveniles serving sentences of juvenile prison in Prison Zenca, out of which there are 2 juveniles younger than 18 years.

Focus group in this institution was participated by 12 juveniles.

General observations by participants of focus groups

Juveniles imprisoned in Unit of juvenile prison within correctional institution of closed type in Zenica assessed conditions of detention in it as extremely bad.

Food

They stress that the food is tasteless, yet its quantity is satisfactory. The menu mainly offers the same food, that is, there are not variety of food. One of the juveniles says: „Two times a week we

get the same food, and every breakfast is the same. The same marmalade“, „everything is the same, which means the same rice, beans, stewed vegetables and rice pudding, macaroni... no salad... cabbage... You find bugs in salad...“ They allege that fruit, cakes, juices and similar things they get extremely rarely, only for holidays. They are also suspicious about food safety, since frequently, the meals are served by apparent poor quality. They complain that the food stinks, particularly meat. Asked about organization of preparation of food in the institution, interviewed staff mainly answered that nutrition is regulated by the Law on Execution of Criminal Sanctions in FBiH and Prison's Rulebook. The answers also include the following: „satisfactory“, „in social restaurant of the Prison“, „they have higher feeding in relation to the others“. Within prison facility there is a cantina, however, the juveniles complain that it is not well supplied, and that there are not conditions for storage of food, since there is no refrigerator. Problem with refrigerators is of general character, since, according to what they say, there is not correct refrigerator: *„Neither collective, nor individual ... there are not refrigerators at all. Our food breaks down for the day. What you buy you have to eat immediately. They bring you packed salamis, open it and you must eat it immediately. What you buy you have to eat at once, or „They bring us, for instance, five salamis, open them all and you have to eat it. They open everything, chocolates ... everything, and nothing can remain well... they cut bananas, melons and watermelons, simply everything they search through“.*

Hygiene

In segment of maintenance of personal hygiene, juvenile prisoners stress that there is always hot water. Monthly, they get one soap, toilet paper and patch, and all the rest they buy by themselves. They themselves ensure towels and underwear they wash by their hands, since that they believe that in prison laundry there are not adequate conditions for this. Bed sheets in dormitories are changed every two weeks. Most of interviewed prison staff assess that hygiene in all Prison spaces is mainly well maintained, and there are not problems of maintaining of adequate clean spaces, and cleaning of spaces is carried out 1-2 times daily.

Health protection

The juveniles have access to medical and dentist ambulant, yet they assess that medical staff is inadequate and unprofessionally perform their tasks.

Daily activities

During the day, juveniles have work obligations. They work in library, kitchen, or they have other tasks within the Prison. There is also a gym (available once in 5 days) and they regularly use it. Similar answers were also provided by interviewed staff and 5 out of 6 interviewed persons answered that imprisoned children do sports, and stressed that children mainly play football and do gym. When asked how work and occupational therapy is organized, the staff most frequently answered that there are number of sections, that all juveniles are engaged in work, and that they work in manufacturing plants. The answers further show that work and occupational therapy are organized on regular bases, five times a week. The juveniles confirm that Prison sections are organized, however, that no participant of focus group is included in them. Earlier there were various sections in which they were included, and now only under condition that they have adequate behavior and well marks they may attend courses of English and Arabic languages: *„...yet, you have to be member of group A to have access to these courses“.*

Activities outside the establishment

Participants of focus group allege that they have possibility to use non-prison benefits. They stress that they are pleased with legal solutions in this area, however, according to them, this right is not exercised under the same conditions for all: „ *This is used only by 4-5 juveniles ... So it is... you need to have assessment by police, damaged party, social worker, etc.* They conclude that mentioned privileges can be realized by “bribing” of certain persons and that in the Prison everything has to be paid. They say that they do not enjoy organized going outside, outings, going to cultural or sport manifestations. Juveniles’ allegations that outings are not organized are confirmed by answers of Prison staff, so out of 6 interviewed staff members 5 answered that outings are not organized. When asked whether there are problems in organization of outings, most members of the staff did not answer, while one of them said that there are problems of “security nature”, and that the outing are not organized, since juveniles “have opportunity to use non-prison benefits”.

Communications with the others

The juveniles serving their sentences of juvenile imprisonment in Unit for juvenile imprisonment within Prison Zenica are enabled to communicate with family and friends. They are pleased with conditions under which they exercise their rights to see members of their families. Participants of focus group stress that at their disposal they have one telephone boot, accessible only to the juveniles. They say they fought out for exercise of this right themselves and are especially proud about this achievement! [Every juvenile possess](#) telephone card with seven numbers in its memory. The only problem is that the juveniles can not receive calls from their families and friends, they only have a possibility to dial the numbers. They are dissatisfied with the price of such calls and believe that the talks are too expensive and that tariff should be cheaper.

Participants of focus group stress that they enjoy support by their parents during serving their sentences of juvenile imprisonment. Mentioned fact is also confirmed by Prison staff, alleging that in their work with the juveniles they include their parents and families. Imprisoned juveniles stress that they would wish more frequently to communicate with parents and relatives through enablement of more frequent visits and less severe conditions for leave.

The juveniles allege that professional persons outside of Prison Zenica do not visit this Prison facility for application of program of their re-socialization and rehabilitation. Further, they stress that in the Prison there is not no forms of communication with local community, neither there is organized process off education for juveniles.

The juveniles are displeased by the fact that on day-to-day bases they contact adult prisoners: „*we all serve our sentences together with adult prisoners...in the rooms next to each other...there they drink coffee with us... in prison yard we are together with them all the time...*” They stress that they are in constant communication with the adults and are under their influence, as they say, they start to think and to behave as adult prisoners. Quite interesting is the fact that only one prison staff member aforementioned recognized as a problem encountered in work with this population, so it is necessary completely physically to separate juvenile and adult prisoners, before all for the reason of security and with a view to realization of purpose of juvenile imprisonment.

Relations between the juveniles and professional staff

Participants of focus group expressed extreme dissatisfaction by behaving of educators and other prison staff toward them. They complain that educators expose them to constant verbal and sometimes physical violence. They are of opinion that the staff treats them unprofessionally, and do not provide to juveniles any assistance in re-socialization.

One juvenile, participant of focus group, shared his experience and problems with supervisor, who bitted him with club, because this juvenile asked the supervisor not to shout at him, but to speak to him normally. He alleged that following cussing, shouting and hits, he was punished by isolation where he spent more than one month.

Further, the juveniles claim that every day they are exposed to unpleasant provocations by the staff. They are displeased by the fact that nobody work with them “seriously”, that the staff is unprofessional and that nobody pays them enough attention. They stress that they “never sow or talked to psychologist or person of similar profession, and particularly not participated in continual professional process”. Due to aforementioned, they are of the opinion that, before all, there is necessity for “replacement” of prison staff that work with juveniles, and completely detach the minors from adult persons.

Participants of focus group propose preparation of programs for extraordinary education, since they are not supported by the staff to complete commenced schooling or higher education at the time of serving their sentences.

Some of the juveniles alleged that they were punished by stay in solitary. They say that conditions in solitaries are very bad, non-hygienically, and that in such situations behaving of the staff is particularly violent. Due to incorrect position of prison staff regarding sharing certain Prison spaces with adult convicts, during the interview, the juveniles expressed strong opposition and outcry concerning such conditions of serving the sentence and believe that they shall, following release, be only „worse“ than they were before, and they identify prison management particularly responsible for this, including the way of organization of juvenile imprisonment.

Regarding the staff working with juveniles, participants of focus group stress that very rarely they talk to psychologist and other professional staff and that the educators are only persons who talk to them. Certain individuals serve their sentences for 4 years now, and did talk to the psychologist only once. Such conversations were very short, they say. This fact is confirmed by interviewed Prison employees who stress that one of the main problems they encounter in their work with the juveniles is lack of professional staff, and that there is necessity for employment of professional cadres for working with the juveniles. Interviewed employees are of the opinion that constant education and professional trainings are necessary, as one of the ways of improvement of the work of the professionals, and it is particularly important to stress need for inclusion of parents and social work centers in the work.

Recommendations:

To management of correctional institution of closed type in Zenica, in accordance with spaces at disposal and financial resources, to perform space re-organization, that is, to ensure institutional rooms and parts of prison yard designed exclusively for imprisoned juveniles aimed to complete detachment of juveniles and adult prisoners. Additionally, re-allocation of adult persons from Pavilion 5 is necessary, with a view of enlargement of capacities for needs of Unit of juvenile prison. This measure should be carried out particularly taking into account international standards

and domestic legislation, which prescribe obligation of detachment between juvenile and adult prisoners in correctional institutions, with purpose of achieving of effective pedagogical results of re-education and re-socialization of the juveniles at the time of serving the sentences of juvenile imprisonment, and to prevent eventual negative consequences appearing from mutual contacts and communications between juvenile and adult prisoners.

Deadline for implementation of recommendation: 60 days.

To management of correctional institution of closed type in Zenica to re-consider truthfulness of allegations of the juveniles who claim existence of eventually unprofessional treatment of juveniles by professional prison staff, with special reference to problem of lack of professional psychologists' work with the juveniles. Should allegations of the juveniles turned out to be truthful, conduction of disciplinary proceedings against responsible professional persons shall be ordered, including imposing of adequate sanctions, while in segment of professional treatment of the juveniles by a psychologist, examination of effectiveness of determined plan and program of work and examination of degree of qualifications of prison's professional staff, and in that sense preparation of necessary changes of plan and program in this area. Carrying out of mentioned measures is necessary for achievement of basic purpose of imposed punishment by juvenile imprisonment, that is, increase of degree of re-socialization of juveniles and support to better re-socialization of juveniles in the society, following release from juvenile prison.

Deadline for implementation of recommendation: immediately.

To management of correctional institution of closed type in Zenica, in cooperation with competent prison's medical service, to examine quality of prison's food supplies, and examination of conditions for their storage, with special reference to juveniles' allegations that in Unit of juvenile prison there are not adequate conditions for food storage, such as, for instance, lack of refrigerator.

Deadline for implementation of recommendation: immediately.

To Service for treatment and re-socialization of imprisoned juveniles of the Unit of juvenile prison within correctional institution of closed type in Zenica, within framework of work and occupational therapy for juveniles, regularly to organize a larger number of various sections, in accordance with wishes and affinities of imprisoned juveniles. This measure should be conducted with recognition of principles of equal access of juveniles to all sections.

Deadline for implementation of recommendation: 30 days.

4.2.3. Juvenile prison, Istočno Sarajevo

Introductory remarks

Juvenile prison in Istočno Sarajevo (hereinafter: Prison) started to work in 2008.

Juvenile prison is placed within correctional institution Istočno Sarajevo, and is run by the management of this institution, however, it is placed in physically fully detached building. Juveniles imposed to sentence of juvenile imprisonment by competent courts from entire territory of Republika Srpska are accommodated in this institution.

The capacity of prison is 20 juveniles. Currently, in the prison there are 2 adult prisoners older than 18 years.

Structure of the staff that works with the juveniles serving the sentences of juvenile imprisonment is as follows: director of the institution,, 13 employees in Treatment service and 6 educators in Treatment service.

General observations by participants of focus group

The juveniles serving the sentences of juvenile imprisonment in Juvenile prison Istočno Sarajevo stress that they are not quite satisfied with the conditions of imprisonment in this prison, but they are aware that they are in privileged position in relation to adult criminal offenders: *„well, we are not doing quite well, but in comparison to the others...“*

Food

They get enough various food and assess it to be of good taste and quality, and state that there is not lack of fruit and sweets. Envisaged menu determining day-to-day nutrition, and the juveniles never participate in its determination neither they try it. Interviewed staff, through questionnaires, alleged that the juveniles get food on regular basis, which means three meals and snacks a day, and the menu is prepared by medical service of the prison with final decision by director. Additionally, all interviewed employees of the institution are of the opinion that there are not problems in procurement of food, and that accommodated persons lack no kind of food.

Hygiene

Regarding personal hygiene, participants of focus group say that toiletries they buy themselves, although they have possibility to get them in prison for free, according to regulations. They allege that throughout the day, there is hot water and there is not limitation for its usage. They ensure bed sheet and towels and all of it is once a week washed in prison laundry. One juvenile said this: *„Here is really extra, I mean conditions for serving the sentence are well“* With regard to hygiene in the prison, majority of interviewed employees that it is very good and that there are not problems in ensuring adequate hygiene.

Daily activities

In the prison, there are rules on organization of regular daily activities, and they are respected. It is prescribed that following work prisoners may get out in the prison yard. Since only two juveniles currently serve the sentence of juvenile imprisonment, daily rhythm is more flexible, so they can stay in prison yard longer than it is prescribed. Daily activities include psychotherapeutic conversations, which, as they say, are not quite interesting. Additionally, board games at their disposal are too simple and they would like to do something more concrete, for what they would be paid, such as work in library, bakery, or various workshops. They stress that sometimes they do agricultural works within prison facility. Day-to-day life of juveniles is watching TV, regular

conversations with psychotherapist and sometimes recreation in the gym: „*Organization in here is completely poor, here there is nothing to do*“. According to juveniles, at the time when there were more of them imprisoned, there were organized sections, and now not any more. The staff itself confirms that there is problem of lack of workshops, due to which work activities are not organized or is more difficult to organize them, and they additionally stress problem of forming the groups, since currently a relatively small number of juveniles serves sentence of juvenile imprisonment in this prison. Regarding education of juveniles, they have and use possibility for education. Teaching is organized so that the teachers come in the prison for lecturing. According to juveniles, they are satisfied with relations with teaching staff and are motivated to learn. They have at their disposal a library and classroom with computers without the Internet, cantina, dentist and medical ambulant where simpler interventions can be done. The juveniles are accommodated in separate rooms, since current capacity of the prison is not full. Prisoners are pleased that in their rooms there is TV. The juveniles believe that it would be very interesting and useful for them, if they had possibility to work in the craftsmen workshops: „*Let them organize something here, whatever, bring some machines, whatever, only to enable the work*“.

Activities outside the establishment

Participants of focus group say that it would be good if for short they could change environment and go out of the prison for outing or some other cultural or sport manifestation. Interviewed prison's employees say that a great obstacle in the work is lack of by-law, that is, Rulebook on work, which would regulate issues of organization of outings for juveniles, so they stressed that exactly because of that there are problems in organization of outings and visits to cultural events.

Communication with the others

Participants of focus group stress that they are enabled to contact members of their families or other close persons. Regulation allows visits once a month, however, if there is a need for more frequent visits, the juvenile may address director in writings. Up to date, according to the juveniles, there were not problems in exercise of the right to visits. Additionally, there is possibility for communication with family and friends through telephone. Every juvenile possesses telephone card with 7-8 numbers, checked and approved by management. Anytime during the day they can call those approved numbers, while they can not receive calls. They say that the regularly contact members of their families and friends, and the latter do not blame them for offence committed, but they understand and support them: „*Off course, they always comfort me. Do not think about it, it will all pass.*“ Prison's employee's stress that they give efforts as much as possible to include parents, that is, juveniles family in the work, and they also say that they are in permanent contact with the parents.

In prison, there are not activities, which would be a kind of cooperation between the prison and local community. There are not thematic programs to be realized by certain governmental or non-governmental organizations.

Space envisaged for imprisoned juveniles is completely physically separated from the part in which adult convicts are accommodated, and the juveniles have not contacts with adult prisoners, except in prison shop when they go there to buy something.

Additionally, the juveniles have not contact with local community, since going to theater, cinema, nature surroundings or similar things are not organized. Non-prison benefits can be used

following fulfillment of legal conditions, and, in relation to this, the juvenile stress that they do not encounter the problems.

Relations between juveniles and professional staff

According to juveniles, sentence to juvenile imprisonment realize its purpose and assist them to understand gravity of offences committed: *„When you are released you can be better or worse person.“*

Psychotherapists' work, performed by the professionals, is assessed to be useful and the juveniles respect staff working with them. They allege that educators put efforts to set up good communications with them: *„They are maximally correct, I have no objections... They have knowledge, put maximal efforts... They never shout here, we can communicate smoothly“.*

Interviewed prison's staff stresses that among basic problems encountered in the work with juveniles are lack of technical devises. They are of the opinion that work of more quality with this population requires continual education and permanent specialization in this area, and more than half interviewed employees stressed that they do not get professional training neither in the region nor abroad.

RECOMMENDATION:

To management of juvenile prison in Istočno Sarajevo, in accordance with its abilities and financial resources at their disposal, to find out solutions for organization of workshops and organize juvenile work in these workshops as a form of work and occupational therapy. If there are no possibilities for procurement of necessary manufacturing plant, work of the juveniles can include production of various products with purpose of further distribution and sale.

Deadline for implementation of recommendation: 30 days.

4.2.4. Educational – Reformatory Home within the Tuzla Prison

Introduction

Educational – Reformatory Home within the Tuzla Prison was established in 2009 and it is a separate ward for the execution of educational measure committal to an educational reformatory home.

Minors are classified in two educational groups, that is, two classes, and groups are further divided based on achieved progress level, or more precisely, re-socialization level.

Persons who maintain direct contacts with minors in this Home are the following: the Prison Governor (currently vacated post since the Government of the Federation of BiH did not make the appointment), Deputy Governor, Vice-Director of Education/Treatment Sector in charge of

education and treatment of convicted persons and rehabilitation of minors and junior adults, Vice-Director of the Security Sector, senior Expert Associate – Educator/ Juvenile Correctional Officer for minors and junior adults, Expert Associate Psychologist for minors and junior adults and 7 prison guards.

Focus group in this institution included 8 persons.

General observations of the focus group participants

Minors subject to educational measure committal to Educational – Reformatory Home within the Tuzla Prison have generally assessed their situation as bad. Reasons for their dissatisfaction were many, mostly including impossibility of use of privileges outside the establishment. They complain of insufficient degree of approvals to use the weekend leave even when all the conditions are met and when families offer guaranties for them. One minor claimed that he had not used this privilege for two years.

Food

Focus group participants complain about bad quality and non-assorted food. In addition to this, they claim that food quality is often questionable, sometimes rotten, it happens that leftovers are re-used: *„It happens to be rotten... even the yoghurt.“* or *„Quantity is enough, but it is not good... e.g. juice should be discarded, but they say drink it anyway.“* Respondents in this survey claim that nutrition of minors in the Home is regulated by the Law on criminal sanctions execution and the internal Rulebook of the Home. There are three meals and one snack between the meals. Quality of food and content of menus fall within the area of responsibility of the health care service within the Home, or more precisely, responsible medical doctor, Governor and professional culinary instructors. Respondents pointed out that they did not encounter any problem related to supply of foodstuffs for breakfast and that their food assortment is very wide-ranging and they do not lack any foodstuffs.

Hygiene

The Home is obligated to provide minors with funds necessary for monthly supplies of hygiene products, but, according to the focus group respondents, it happens rarely. Instead, they mostly buy everything themselves in the canteen save in cases when somebody is unable to find money do it and only then the Home assumes that obligation. The same goes to footwear and clothes. Shower cabin is available every day, as well as hot water. Minors take care of hygiene of their premises by themselves and are remunerated for that work in the amount of 60 BAM. As respondents pointed out, they do not do it only to get paid, but also in order to receive good recommendations and to be assessed as somebody who has developed work habits and good behavior. So money is not the only motive, they also like to have good characteristics in their files and the final report. Most of respondents highlighted that hygiene in the Home, that is, hygiene of their rooms, toilets, common premises and the yard is kept 2 times and undeveloped hygiene habits of minors accommodated there.

Health care

Focus group included those who suffer from certain health problems such as diabetes or chronic hypertension. They are not satisfied with health care level and quality of interventions. They think

that medical staff is not acting in accordance with professional standards and that they are not interested at all to provide timely medical assistance. One minor said: *„There is medical service, but as of it is not there... Only if you are is on verge of death they would help you.“* One has to wait for a couple of months to see the dentist because they are located outside the Home so that such a visit requires necessary preparations and precautionary measures.

Daily activities

In segment of occupational therapy organization in the Home, most of employees think that it is beneficial and stimulating for children and youth accommodated in institutions where educational measure of committal to educational-reformatory home is implemented to have the possibility to express their creativity. It could be achieved through organizing of various workshops, regular training of professional staff and hiring of more staff in addition to the extension of spatial capacity of these institutions. Respondents from the ranks of employees added that programs that include better involvement of these minors into community and better communication with their families are lacking. Occupational therapy also includes discussions of the staff with protégées, watching movies, workshops, involvement in musical, fine arts, IT and sports sections. But, is should be mentioned that one employee expressed regrets about the fact that such sections seized to be organized lately. Computers are available to the protégés, but their use is limited: *„We can use computers for one hour, but not every day...“*. Respondent protégées are not satisfied with gym, while they do not find library interesting: *„Yes, we do have some old gym...This is library, but we never go there...“* Respondent employees pointed out that the minors committed to the Home are practicing sports, mostly basketball, football and exercise in gym. They have organized regular education and teaching courses are organized in Minors Ward. Teachers are in charge of theoretical teaching process, while practice is carried out in the canteen or workshops within the Reformatory.

Activities outside the establishment

Excursions are not organized except to the neighboring prison Kozlovac, but the focus group members did not show interest for these either. This was confirmed by the respondents from the ranks of employees where 10 out of a total of 11 prison staff members responded that excursions are organized in form of visits to the Kozlovac Prison. Some minors pointed out that some time ago they used to go to the swimming pool accompanied by the guards, not all of them, only those with good behavior and it was a kind of reward. Focus group members also claim that their right to going out is denied so they mostly spend time within the prison complex. They rarely go to the prison backyard and to the sports courts trying to avoid contacts and potential conflicts with adult prisoners.

Communication with others

Visits to the protégés are allowed once a week and visitors can stay for two hours. Some respondents claim that they have regular visits of their parents, while some respondents from the focus group answered that their parents do not visit them. Visits are carried out in presence of a prison officer. Telephone conversations can be maintained daily after the 4 p.m. and can last 10 minutes. All the protégés have phone cards with 7 memorized numbers that they can call, but they complain of high prices of telephone services saying that they spend all their money to phone cards.

Protégés claim that they do not have any contact with their mates from the local community. Volunteers visit the Home occasionally or some students to gain necessary practical experience. However, protégés do not see any benefit from communication with them.

Relationship of minors with professional staff

Focus group members complain that they are often sent to solitary confinement for punishment. They are convinced that this punishment in most cases does not correspond with the committed offence. In addition to the above, they are continuously exposed to verbal abuse by prison guards and physical violence is also practiced, although subject to cover up, as illustrated by one of the protégés: *„...he starts yelling at me, then I oppose, then the duty guards come, beat me up, take me to solitary cell and beat me up there again. Duty officer says don't you dare saying that we have beaten you, say you had fight with other protégés.“* Living conditions in solitary confinement cells are particularly bad due to inadequate hygiene level. In addition to that, it happens that guards put them handcuffs if they protest because of living conditions.

RECOMMENDATIONS:

Educational – Reformatory Home within the Tuzla Prison is recommended to enable an adequate level of health care to the minors including timely medical interventions, in particular with regard to the high international and domestic standards established in local legislation regulating the rights to health care in criminal sanctions execution establishments for minors. In addition to that, it is necessary, pursuant to the Rulebook on systematization and available funds to employ a permanent doctor in order to provide timely and efficient medical interventions.

Deadline for compliance with recommendation: 90 days.

Management of Tuzla Prison is recommended, within the framework of its mandate and pursuant

to the Rulebook governing the prison work to check the veracity of the claims of the protégés about the presence of verbal and physical violence by the guards against them and in case that it has proven to be true to take measures and sanction as appropriate following the disciplinary procedure against guards responsible for such behavior.

Deadline for compliance with recommendation: At once.

4.2.5. Educational – Reformatory Home within the „Tunjice“ Prison, Banja Luka

Introduction

Educational – Reformatory Home within the „Tunjice“ Prison, Banja Luka (hereinafter: the Home) was established and functions since 2005 and is the only such an institution in the Republic of Srpska where are committed minors subject to educational measure of committal to reformatory institutions in the duration from 1 to 4 years.

The Home functions as an independent ward within the Banja Luka Prison. Accommodation capacity enables reception and settlement of 16 minors divided in two educational groups in addition to reception-discharge department with capacity to accommodate 4 minors.

Educational – Reformatory Home according to the current systematization employs the following staff: Head of Department – sociologist/pedagogue graduate, social worker, psychologist, two rehabilitation officers – psychologist graduate, officer for out-curricular activities – physical education and sports teacher and a general class teacher.

Focus group included 7 minors.

General observations of the focus group participants

In general, protégés of this Home find the situation in the establishment in which they serve their sentence as good.

Food

Food consists of regular meals, in sufficient quantities, tasteful and diverse. Time schedule and content of meals is determined and complied with. Since growing of vegetables and fruits within the Reformatory Home premises is organized, minors can prepare some meals by themselves if they wish so. Culinary instructors are engaged to prepare menu taking care of foodstuffs quality. Doctor is monitoring the quantity and quality of food on a daily basis.

Hygiene

Hygiene of premises is good and no problem in this regard is encountered. Protégés organize it by themselves and it is subject to their agreement. Basic personal hygiene products are provided by the Home, it includes soap, shampoo, toothpaste and toilet paper. Minors point out that they prepare schedule of duties with regard to hygiene and cleaning of premises including bedrooms, children rooms and toilets which are cleaned twice a day. Shoes and clothes for protégés are provided by their parents, and if they do not have money, then the Home is providing the basic items. Pyjamas and slippers are provided by the Home and minors are satisfied with its quality.

Laundry at Home is functioning. Bed sheets are changed every two weeks, and protégés can bring their own linen if they wish.

Daily activities

Although general conditions of accommodation in the Home are good, protégés are not satisfied with their daily activities and organization of daily activities. As they say, they are mostly engaged in gardening, growing vegetables and maintenance of backyard or some sports activities. Other activities include therapeutic discussions with educational officers, while concrete sections are not organized. About these activities the half of the respondents – employees as a basic problem in their work mention lack of premises for workshops for the implementation of professional training programs. It is interesting to say that all the employees think that continuous training of professionals is essential with a view to improvement of treatment and practical work with minors, but such training has not been regularly carried out, according to them. Minors also mentioned that guitar classes are organized fairly often and minors can also work in car mechanic workshop or kitchen. They would like to have a gym and some more workshops so they can learn something useful and to get some concrete vocation. Secondary school has not been organized in the Home. Minors have computers available, but not the access to Internet. Rehabilitation officers let them watch certain types of movies on DVDs occasionally, but the contents of these movies are not interesting for them. Although the employees which took part in this survey claim that protégés do practice sports, mostly football, basketball and table tennis, in general, minors feel that activities organized within the framework of work therapy are not interested enough for them: *„Educator put their best to work with us more, to incite some interest in us so our time here passes faster, but one gets bored sooner or later...“*

Activities outside the establishment

As children claim, excursions are organized once a year, and visits to the town as a privilege outside the establishment can be achieved only with permission of the management in cases that concerned protégés have six months of exemplary behavior in the Home. They have the prison bus available and protégés are accompanied by the guards, and only in cases of exceptionally good behavior independent unaccompanied visit to the town is allowed. All the employees, when asked about excursions responded that they are organized occasionally, but only to Slatina.

Communication with others

Protégés maintain regular contacts with their families. Visits are permitted once a week and most of the protégés use this possibility depending on their place of residence. They say that they can agree with rehabilitation officers about the visits. They can go to visit their families for weekends and this is implemented in accordance with the relevant Rulebook and based on their behavior. Telephone conversations are limited to three days a week in duration of one hour in the morning and the same duration afternoon. Minors can occasionally receive calls from their families in agreement with rehabilitation officers which they consider as a privilege. Letters as a form of communication are unlimited.

All the minors in the Home receive 20 BAM a month which they mostly spend to phone calls to their families, relatives and friends.

Protégés of the Home are physically fully separated from the adult prisoners.

According to the minors that created focus group of our survey to a question about their parents and their acceptance of their being accommodated in the Home as a means of their rehabilitation and re-socialization they responded as follows: *„They mostly accept it since it is good for us.“* However, the final result of their professional treatment depends on their readiness to co-operate and their awareness of the perpetrated offence. For instance, one minor said: *„...but it is all up to us. If we don't wish to co-operate, then nobody can help us. This is all very difficult for us“.*

As the focus group members mentioned they often receive visits of GOs and NGOs. However, they particularly remembered visits of OSCE and organizing of workshops earmarked at prevention of drug abuse and violence, as well as the occasional practice of the students in the Home. They say that they do not maintain contacts with their mates due to prejudices and marginalization which contribute to their exclusion from local community.

Relationship of minors with professional staff

Minors in the Home are satisfied with the way rehabilitation officers treat them and with discipline level. Some think that education programs should be more strict in order for them to acquire more work habits: *„Compared to those serving sentence in prison, we are more free, we go out more often and spend more time outside then inside. Prison is very strict“*

Protégés think that their stay at Home yielded good results: *“...when I go out and think to steal something I shall remember this and stop thinking about it, no way. It does not worth it. We are wasting our time here, we don't go to school. When we go out we won't be able to find job.“* Three thirds of respondents think that it would be beneficial to enable protégés to attend regular school during their stay in the Home and it would improve their position in such institutions and their future re-socialization. Namely, they cannot continue their secondary education in the Home if it was interrupted by their committal. Reformatory Home does not organize regular classes for minors below 18.

Focus group participants are satisfied with the way educational and reformatory officers are treating them. They appreciate more experienced officers and claim that they can discuss their problems with them. *“They put themselves into our situation in order to help us.“*

RECOMMENDATION:

Educational – Reformatory Home within the „Tunjice“ Prison, Banja Luka is recommended to organize more workshops for protégés in accordance with available human resources, space availability and available funds in order to improve activities comprised in work therapy to facilitate re-socialization of minors through their acquiring of professional qualifications and adoption of work habits so they can find employment following their release and finalization of educational measure of committal to educational-reformatory home.

Deadline for compliance with recommendation: 60 days.

4.2.6. Public Institution Disciplinary Center for Minors, Tuzla

Introduction

Public Institution Disciplinary Center for Juveniles, Tuzla (hereinafter: the Center) commenced its operation in 2010 and is in charge of the whole territory of Tuzla Canton.

Internal organization of the Center is the following:

- Department for the implementation of educational measure committal to a disciplinary centre for juveniles pronounced to a minor perpetrator of a criminal offence in a manner provided by relevant law regulating pronouncement and implementation of this disciplinary measure;
- Department for diagnostics and therapy where preventive treatment is implemented based on request of the parents, foster parents or guardians and strictly voluntary. Individual initiators of disciplinary treatment can also be social welfare centers, teachers, professors and professional staff employed in the school in cases when the child shows certain behavioral problems indicating that such a treatment might be beneficial.

Accommodation capacity is 3 rooms out of which two with two beds each for boys and one with two beds for girls.

Data showing the general situation in this Center as well as the status of human rights of the youth accommodated in this Institution were collected for purposes of preparation of this Special report on „Youth and children in conflict with law“ and are based solely on replies to the questions comprised by a questionnaire prepared for this purpose. Focus groups with minors in this Disciplinary center have not been formed.

Professional staff structure

There is 7 employees currently working in the Center. This includes an expert associate for social work, social pedagogy and a pedagogue-psychologist. All professional team members bear collective responsibility for work with children.

Work with juveniles

As a basic problem in their work with children respondents mention insufficiency of professional staff, in addition to some technical problems.

Possibilities for improvement of treatment of children and youth in conflict with law from the point of view of the employees in the center are primarily seen in continuous professional training of the staff and strengthening of co-operation and co-ordination between them and other institutions dealing with this issue.

Most of respondents from the ranks of employees in the Disciplinary Center emphasize that there are activities earmarked to the inclusion of children into the wider community. They also claim that they include families in their work in order to improve situation of children in such institutions which require, in general, a higher professional level and more attention to work with this category of children. Introduction of additional programs for their treatment is also necessary.

Legal solutions governing the treatment of minors and children in conflict with law

With regard to the actual legal solutions governing this area, that is, children in conflict with law, respondents think that this is not sufficiently regulated by the applicable legislation and that disciplinary measure of committal to a disciplinary center should have been pronounced to a longer period with the aim of achieving of higher level of re-socialization and that court proceedings against the minors should be carried out as a matter of urgency so that relevant criminal sanctions and educational measures execution institutions can react on due time.

Food

During their stay in Disciplinary Center breakfast and snack are provided according to previously prepared menu, while lunch and supper are delivered from other institutions. Menu is prepared by financial and administrative affairs sector and approved by the director. The question is whether or not such a menu is appropriate for developing children since health service of the Center or a professional nutritionist are involved in their preparation. However, employees think that children do not lack any necessary nutrient and that there is no problem about the supply of any of these.

Hygiene

All the respondents are satisfied with hygiene level as maintained inside the building, not as much so in the backyard. Hygiene is maintained 1 to 3 times a day and no major problem is encountered in this field.

Occupational therapy

Occupational therapy in the Center is organized according to the approved plan and program of work of the Institution so that children participate in sports activities and psychological programs on a daily basis. Respondents say that excursions/visits are organized occasionally, mostly to „Jazavac“ Theatre or to the lake. Problems related to excursions organization involve provision of transportation and financial aspects. Children in the Center can practice sports, mostly table tennis, basketball and gym.

RECOMMENDATION:

Disciplinary Center for Juveniles in Tuzla to involve health service of the Center and professional nutritionists in preparation of menus for children taking care to quality and quantity of food and control of nutrition plan.

Deadline for compliance with recommendation: 30 days.

4.2.7. Cantonal Public Institution Disciplinary Center for Juveniles, Sarajevo

Introduction

Cantonal Public Institution Disciplinary Center for Juveniles, Sarajevo (hereinafter: Center) was established in 2005 and started working with protégés in June 2007.

Disciplinary Center for Juveniles is an institution where juveniles from the territory of Sarajevo Canton are committed in cases when disciplinary/educational measure of committal to a disciplinary center is pronounced.

Information gathered by the research team are based exclusively on replies to the questions comprised by a questionnaire prepared for this purpose since focus groups in this Institution have not been formed.

Professional staff structure

Management structure include 12 employees as follows: Director of the Center, Head of Service – a master of educational science by education, a senior expert associate for social work, a senior expert associate for pedagogical work, a senior expert associate for psychological work, a senior expert associate education officer and 6 expert associates education officers. All the employees make a team and carry out their duties as such. All the respondents think that they possess enough qualifications, skills and experience in their relevant fields of expertise as necessary for work. However, continuous specialization and follow-up of new scientific achievements and expert literature in the area of juvenile justice is absolutely necessary. Related to this, all the respondents asked whether or not they receive professional training they gave a positive answer, out of which some are receiving training in the region, while three respondents are receiving training abroad.

Work with juveniles

Asked about the challenges facing them in their work, most of employees indicate that they understaffed and new professionals are necessary. Lack of co-operation with families was also mentioned as a problem, which could be considered very important since the family is an inevitable and crucial part of re-socialization. Children accommodated in these institutions mostly originate from non-functional families which need assistance to re-establish communication and continuous co-operation.

As the educational measure of committal to a disciplinary center is pronounced to juveniles who have committed criminal offence either out of thoughtlessness or frivolity and such cases do not require imposition of graver criminal sanctions, we may say that these children need professional treatment that involve inclusion of all essential actors in order to prevent recidivism or perpetration of graver criminal offences, but also to achieve the purpose behind the pronouncement of such a educational measure aimed at reducing juvenile delinquency rate. To this end, we think that disciplinary centers should be supported, especially in financial sense. As this Disciplinary Center has been removed to a new location and new building, respondent protégés point out that new premises are well equipped with didactic devices and tools suitable for work with minors.

When it comes to co-operation with parents of the juveniles subject to disciplinary measure committal to a disciplinary center, all the employees confirmed the inclusion of the parents and family members into the work with protégés.

Specifics of such type of the institution is that they provide intensive assistance to children in conflict with law without their continuous stay in the Institution. According to the respondents, inclusion of families and social welfare centers in work with juveniles in addition to well conceived educational treatment could turn these disciplinary centers into places where the purpose of

disciplinary and educational measures aimed at reformations of juveniles and their re-socialization is fully accomplished.

Legal solutions governing the treatment of minors and children in conflict with law

Respondents think that legal solutions governing this area are relatively good, especially since they provide for disciplinary measure of committal to a disciplinary center. However, it should be longer. Also, court proceedings against the minors should be carried out urgently so that necessary interventions be implemented on time. It is interesting that one respondent replied that work with children should be *„involved during the court proceedings“*, and that it would be necessary to *„enhance co-operation between the institutions dealing with this issue“*.

Food

Food is regulated differently compared to the institutions where children are accommodated for 24 hours. The difference is in fact that the Center provides breakfast and snack prepared within the institution, while children who spend whole day or 6 hours are entitled to have lunch. According to the employees, lunch and dinner are delivered from the therapy unit „Kompas“. Out of nine respondents, four pointed out that they encountered problems in provision of certain row material, but that in general they can consider that variety of foodstuffs is provided.

Hygiene

As for hygiene of premises, all respondents are satisfied with it, but asked on how many times a day rooms are cleaned, most of them failed to reply anything. Two respondents mentioned certain hygiene-related problems linking it to the lack of an employee in charge of hygiene maintenance.

Occupational therapy

According to the respondents, occupational therapy is mostly organized in form of sports and fine art sections and activities and cleaning of premises of the Center. Some employees responded that it could be practiced individually, in pairs or as a group therapy, and is practiced in workshops in a daily basis.

Asked whether or not they organize excursions for children they did not respond, but two respondents answered that it is not applicable to the Center since committal to it is always short and it would require organization of transport. Minors go to theater, movies and matches occasionally depending on schedule of sports events and program of the Center. They pointed out that they do play sports in the Center and it was the statement of all the employees.

RECOMMENDATION:

Cantonal Public Institution Disciplinary Center from Minors in Sarajevo is recommended to increase and improve co-operation with parents in their professional treatment of minors in order to achieve better results in their re-socialization during their stay in Center.

Deadline for compliance with recommendation: At once.

4.2.8. Drop-in Center for Juveniles, Banja Luka

Introduction

Drop-in Center for Juveniles in Banja Luka (hereinafter: the Center) commenced with its activities in 2005.

Spatial capacity of the Center is around 300m² and these premises were allocated to the Center by the Administrative Service of the Banja Luka Municipality. Premises include five rooms which are functionally equipped. Two of these rooms serve as living room for children, one is equipped as a gym, and the other one as a tea kitchen where they can prepare some food.

Stay of juveniles in the Center is organized on a half-day basis. Children come from their homes and spend a couple of hours before or after school, and work of the Center is organized on the basis of voluntary involvement of juveniles into the work of the Center.

The Center can accommodate around 20 juveniles a day.

There is 6 employees in the Center: Director of the Center, Vice-Director, and 4 experts involved directly in work with juvenile delinquents.

Focus group involved 6 juveniles.

General observations of the focus group participants

Focus group participants are generally satisfied with living conditions in the Center.

Food

Juveniles in the Center can have two meals, breakfast and lunch in precisely defined terms. Participants of the focus group think that food is tasty and assorted. There is menu which is followed, but the quantity of food is not sufficient. Food is acquired by the employees of the Center twice a month. Juveniles can cook their meals if they wish so. Menu is conceived by the employees and quality of food is good, children are involved in process as well. Some ready products are also supplied.

Daily activities

Different activities are organized, but juveniles are not equally interested in these activities. They mostly watch TV, they play sports, use gym and are engaged in workshops where they manufacture some produce which could be sold and this is how they can earn some money. They feel offended by some professional programs applied, in particular conversation in the framework of psycho-therapeutic treatment and they prefer some creative occupational activities or sports. They would like to have the opportunity to play football, boxing or snooker during their stay at the Center. Most of respondent employees of the Social Welfare Center Banja Luka think that children come to the Center to play sports, to use gym and table tennis. Occupational therapy is organized on a daily basis in accordance with plan and program or work of the Institution and internal rulebooks. Some children are included in regular education, while some others lost the right to attend school for extremely inappropriate behavior. Juveniles would like to see some stricter rules

implemented in the Center, if not even sanctions.

Activities outside the establishment

Activities outside the establishment are organized occasionally and they include bowling, rafting or sports on premises of Educational Reformatory Institute within the „Tunjice“ Prison. Children are particularly satisfied with this segment of program as it is dynamic and interesting. Around 4/5 of the total number of respondents from the ranks of employees replied that excursions are also organized from time to time, such as visits to river of Vrbanja gorge or rafting. During the focus group session views presenting these children as “tough guys” were dominant. They see their violation of law as a personal accomplishment aimed at identification with their negative idols. Such opinions are present to such an extent that some of participants thought that committal to prison would be a good opportunity to meet „real criminals“.

Relationship of minors with professional staff

Children do not see the importance of their stay in the Center and they think that work with experts does not yield in positive results in the area of re-socialization. They admit that they only come to the Center because of free use of gym and to get positive opinion of relevant services during the court proceedings hoping that this could reduce their sanction. Juveniles have a very low tolerance threshold, they admit that they have problem with aggression and anger management, but, as they emphasize, they do not mind and they do not care to change this feature in their personality. In this context, evident are gaps in their upbringing. Much more intense work with them is apparently very necessary including psycho-therapeutic component, individual sessions in some cases, and adjusted to their needs workshops aimed at their reformation and re-socialization. This was the reason why respondents who work in Social Welfare Center Banja Luka pointed out the need to continuous training of professional personnel involved in direct communication with children, exchange of experience with other countries, better staffing and better implementation of relevant legislation governing this area.

Juveniles expressed respect for reformation officers and other experts dealing with them and they assess their relationship as correct.

Children describe their negative experience with police and express bad opinion of them: *„They always exaggerate. You can't complain, they put you in their car, beat you up and leave you somewhere there around the village of Ponir. You have to run and follow their car to get yourself out of there.“*

Relationship with parents

Focus group participants think that parents approve their coming to the Center and support efforts to change their behavior: *„They think it is better for me to be here than somewhere on the street where they know I can find some trouble.“* Some of them emphasize that they do not discuss neither this nor other topics with their parents.

RECOMMENDATIONS:

Drop-in Center for Minors, Banja Luka is recommended to include families in work with children as lack of communication between these children and their parents, which is a basic element of upbringing process, is evident.

Deadline for compliance with recommendation: At once.

Drop-in Center for Minors, Banja Luka is further recommended to put additional efforts during the preparation of plan and program of professional treatment of children to include psycho-therapeutic discussions and workshops with children aimed at more efficient re-socialization. Psycho-therapeutic discussions and workshops with children could only be done by experts in the field of social work, psychology and psychiatry which means psychologists, psychiatrists, social workers and defectologists.

Deadline for compliance with recommendation: 30 days.

4.2.9. Institute for Upbringing of Male Children and Youth „Hum“ Sarajevo

Introduction

Public Institution the Institute for Upbringing of Male Children and Youth „Hum“ Sarajevo za (hereinafter: the Institute) is the only institution on the territory of Bosnia and Herzegovina where measure of committal to an educational institution.

The Institute for Upbringing of Male Children and Youth „Hum“ Sarajevo is an educational institution under mandate of the Ministry of Labor and Social Politics of the Federation of BiH. The core activity of the Institute is a whole-day social and health care of socially neglected children and youth with residence on the territory of FBiH in the age from 10 to 18 committed to the Institution based on decision issued by the court or the guardianship body.

The Institute is foreseen for 60 persons, but currently it accommodates 30 children. Other capacities of the Institute „Hum“ are not used for rather long period.

Rulebook on internal organization and systematization foresees 54 employees when the Institute works with full capacity. At the moment there is 25 employees. Juveniles Treatment Department has 9 employees and their structure is the following: director, head of Juveniles Treatment Department, head of Legal Affairs Department, 3 rehabilitation officers, social worker, pedagogue and psychologist.

Focus group comprised 5 juveniles.

General observations of the focus group participants

General conditions in the Institute, according to the juveniles are bad: „...*There is more bad things, than good ones*“.

Food

As for the food in the Institute, breakfast is at precisely determined time, so that some of protégés skip the breakfast in order to sleep longer since they stay outside the Institution at night, sometimes until 5 a.m. According to the protégés food is versatile and sufficient in quantity, but is not tasteful. Children were involved in preparation of the menu some time ago, but not for unknown reasons this practice was abandoned. When they were included in menu preparation food was better. But employees in the Institute claim that they participate in this process and that

food is assorted. Research team of the Ombudsman visited the Institute at lunch time and it was obvious that protégés have various foodstuffs at disposal, food was abundant in quantity and lunch included fruits and juices.

Hygiene

Conditions for maintaining of personal hygiene are very good, according to protégés. Hot water is always available, basic hygiene items are provided by the Institute or they buy it themselves by money they get. There is laundry service functioning in the Institute and bed sheets get changed once a week. Employees who participated in the survey provided similar answers as they point out that premises are cleaned once or twice a day.

Daily activities

When it comes to daily activities of juveniles, they do not have any duties to fulfill. In period of summer holidays they particularly do not have obligations, even to wake up on time: *"... We are supposed to get up around 7-8 a.m., but we are mostly night birds"*. During the school year, their rehabilitation officers wake them up: *"Yes, rehabilitation officers wake us up to go to school, well, that's normal."* In general, they think that daily activities could be organized better, especially in order to occupy them with some useful contents to shape their time. According to both, employees and protégés, organization and implementation of occupational therapy. Respondents from the ranks of employees emphasize that it is not carried out regularly and there are not determined methods of work with children. Protégés say that they spend time in the internet club near-by. They admit that they drop out from school, and do not possess working habits. This originates from their conviction that education is not important for them. They are not motivated to attend school, they do not have developed that kind of responsibility and nobody is channeling them in such a direction nor forcing them to go to school. They do not organize any concrete sections in the Institute.

Activities outside the establishment

Focus group participants say that they do not go to excursions, cinema, theater, sports manifestation or like. Summer holidays are organized from time to time, but winter holidays are not. Last year they spent 5 days in Neum during the summer season. Respondent employees mentioned problems in organization of excursion mostly related to funding and transportation. Visits to theater, cinema or sports matches are not organized.

Communication with others

Professionals responsible for work with children, except for those employed in the Institute do not come to visit them. Juveniles could not remember any NGO or any governmental institution that came to see them for any reason such as education, discussion, lecture. The only Institution that comes is the police, they deliver lectures from time to time or some other form of educative activities.

Protégés have the possibility to communicate with their family members with no restrictions. But, many of them deny to maintain contacts with their parents because they blame them for their stay in the Institute and bad upbringing they received. For family neglect some of them were

included in foster families programs from their early age, but they did not fit well into such programs. Respondent employees confirm the allegations of children saying that they try to include relatives/parents into their programs with children. As for their relation with their school mates, they are accepted differently. There are situations that they are accepted well, and they do not perceive any difference in treatment by other children or teachers because of their being children from the Institute. However, some of the juveniles feel that they are marginalized: „*You know, it happened to me once, I was sitting in the class, nobody knew I was coming from the Institute and then teacher turned to me and asked how was the situation in the Institute. At that moment everybody turned to me and nobody wants to talk to me ever since. We have bad reputation, as a bell hanging around our neck.*“

Relationship of minors with professional staff

Juveniles are mostly satisfied with the professional staff employed in the Institute: „*They are positive people, they finished faculties to teach us good things! Nobody wishes us anything bad here, they wish us well.*“ They say that nobody ever hit them or beat them.

Other

Replies of respondents indicate that most frequent problems facing these institutions is insufficiency of business premises, lack of professional staff and necessity to employ new professionals for work with juveniles. Then they claim that budget is also insufficient and that the state does not pay enough attention to this issue. They also need didactic tools.

From the other hand, juveniles see the Institute as their only possibility. They cannot or do not want to go back to their families. They are aware of the fact that this is their „secured accommodation“ until their legal maturity. Some of them see their stay in the Institute as a punishment for their behavior and mostly blame others for their situation. First to blame are their parents, which make sense since they are the first factor in socialization. However, interesting thing is that they do not see their own responsibility for committed offences.

As for their pocket money, protégés point out that they mostly spend that money in the Internet club! They say that they receive an amount of 10 BAM every Monday and an amount of 5 BAM every Friday. They say that they mostly spend that money for cigarettes, and one protégé claims that he buys marihuana from time to time!

Clothes and shoes are bought in the shops co-operating with the Institute. Every protégé receives an amount of 150 BAM to buy clothes and shoes. Focus group participants thought that it would be necessary to have more money for that purpose.

Internal regulations demand that protégés have to return to the Institute by 23.00 hrs. However, it is not implemented and they stay out even until 5 o'clock in the morning.

RECOMMENDATIONS:

Institute for Upbringing of Male Children and Youth Sarajevo is recommended to take measures and activities in order to organize regular occupational therapy and various sections depending on wishes and affinities of the protégés.

Deadline for compliance with recommendation: 30 days.

Institute for Upbringing of Male Children and Youth Sarajevo is recommended to organize reading and doing homework in form of regular occupational therapy on a daily basis and to foresee sanctions for non-attendance.

Deadline for compliance with recommendation: 30 days.

Institute for Upbringing of Male Children and Youth Sarajevo is recommended to restrict stay of protégés outside the Institution to 23.00 hrs. and to foresee sanctions for non-compliance.

Deadline for compliance with recommendation: At once.

4.3. General analysis of situation in the institutions where juveniles in conflict with law are accommodated

4.3.1. Profile of respondents from the ranks of the professional staff

For purposes of preparation of the analysis of situation in the area of „Youth and children in conflict with law“, team of Department for the protection of the rights of the child of the Ombudsman of Bosnia and Herzegovina has conducted survey in eight institutions on the territory of BiH where juveniles serve juvenile prison sentence and where educational measures are implemented in the period July/August 2012. Survey was conducted through a Questionnaire that was disseminated to professionals dealing with juveniles in treatment and rehabilitation institutions and are in direct contact with juvenile offenders. These professionals included social workers, pedagogues, psychologists and rehabilitation officers, in total 56 of them comprised in this research.⁶⁹

Results of this research indicate that out of all employees in the institutions engaged in re-socialization of children in conflict with law majority are pedagogues,/ psychologists /social workers.

⁶⁹ Annex II



Chart no. 1

Big efforts are vested in team work in the last decades since research results indicated and practice confirmed that much better results can be achieved in team. This was the reason why we asked respondents from the ranks of employees in juvenile prison institutions if they work in team or independently. More than half answers responded that dominant form of engagement is team work. This is an important and encouraging information since re-socialization of juveniles in conflict with law cannot be realized without the inclusion of all stakeholders, through an organized team work with precisely defined tasks and continuous communication between the actors.

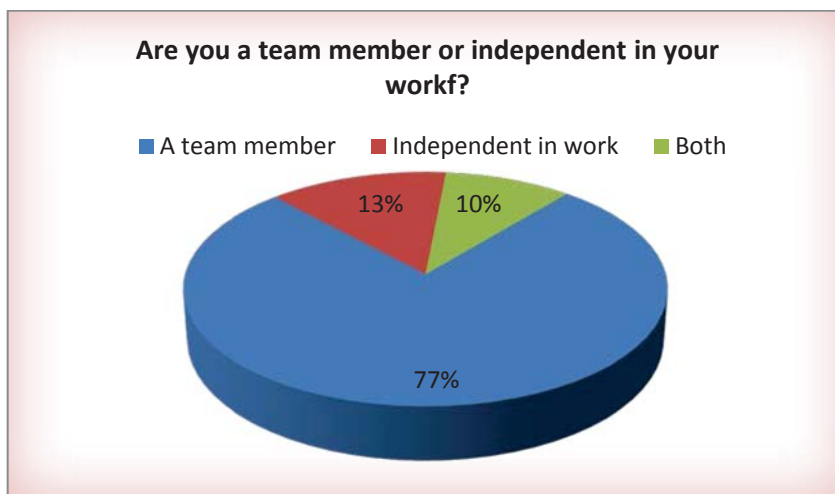


Chart no. 2

Most of juvenile prison employees that participated in this research are in age from 31 to 40 and next group is in the age up to 30. Out of 56 respondents equal number of them is in the group from 41 to 50 and group above 50.

Table 1

Age of respondents	Percentage of employees
Up to 30 years	25,1%
31-40 years	28,7%
41-50 years	23,4%
More than 50 years	23,4%

Work experience of most of respondents varies from 1 to 3 years, and 4 and 7 years. So, we may conclude that professional staff members have relatively short experience in work with children in conflict with law. Reasons for that may be found in fact that most of employees, around 30% of them, are in the age group from 31 to 40, while 25% of them is below 30, so they could not have more experience due to their youth. Also, it should be mentioned that some of forms of work with children have not been incorporated in law for a very long time and are relatively new which means that nobody could gain experience in these areas in the country. Daily work with children and other activities carried out in institutions should be combined with continuous training sessions for professionals due to all the specific features of their work and sensitivity of the population of children in conflict with law. Related to work experience, we asked respondents whether they think that they have enough experience in work with children in conflict with law. Their replies indicate that 77% of them see themselves competent and experienced enough, while 16% of respondents think that they lack knowledge and skills.

Table 2

Years of experience	Number of respondents
1-3 years	21
4-7 years	17
8-12 years	8
16-35 years	3
No answer	7

4.3.2. Perception of juvenile delinquency in BiH

We are witnessing an increase in number of criminal offences committed by juveniles. Particular problem is that they commit grave crimes, and age limit is dropping down to junior age. So, it happens that perpetrators or offenders and below 14 so they do not even have criminal responsibility. *Chart 3* shows that 84% of respondents think that problem of juvenile delinquency do exist and is significant. Such an opinion could be interpreted from results of research since respondents think that problem of juvenile delinquency is significant and reasons for that find in parental neglect and neglect by the community. Respondents who think that juvenile delinquency is not significant think that number of juvenile perpetrators and offenders is smaller than it was before the war and that committed crimes do not have a character of a social hazard.

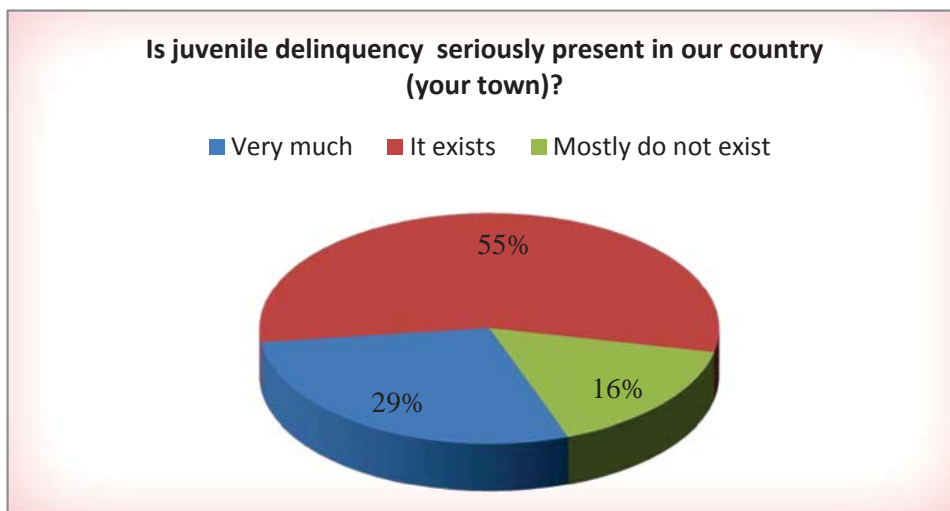


Chart no. 3

4.3.3. Relationship of the authorities towards the agencies and services for the protection of juveniles in conflict with law

In general, respondents think that the state does not provide sufficient support to the institutions for the protection of juvenile delinquents. This is explained by the authorities not reacting timely to some incidents that the actions are reactive instead of proactive, lack of programs of primary and secondary prevention, that financial support is missing, lack of trained professional staff. Respondents highlight necessity of timely reaction of the authorities, primarily in preparation and adoption of strategies for combating juvenile delinquency, implementation of relevant projects, investing in preventive programs, training for work in institutions and efficient post-penal treatment. Yet, they think that certain improvements have been achieved, but continuous support of the authorities is necessary.

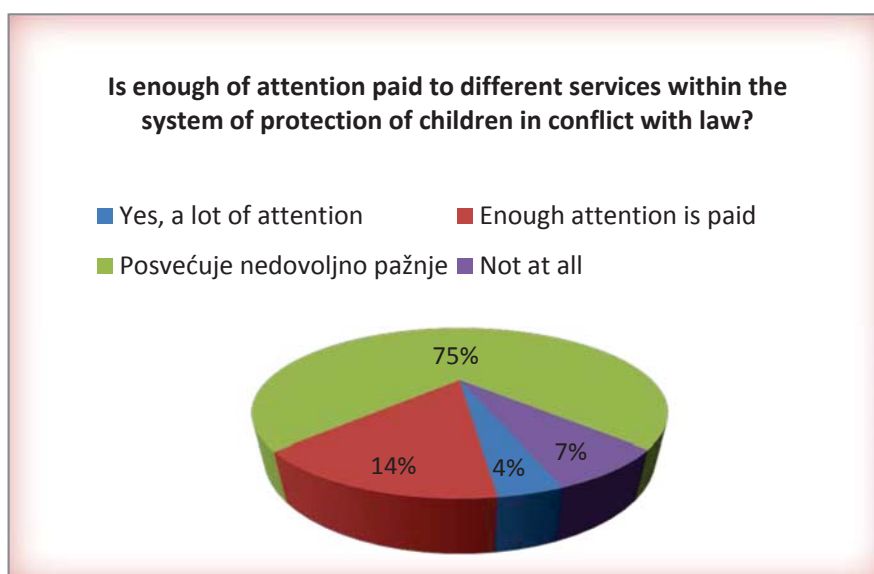


Chart no. 4

4.3.4. Legal solutions governing treatment of juveniles and children in conflict with law

Results of survey reveal that respondents are mostly satisfied with current legislation. Obtained data indicate that more than a half of respondents think that legal solutions in this area are mostly good. Improvements in this field are obvious. To the favor of that goes the fact that The Law on

Protection and Treatment of Children and Juveniles in Criminal. Proceedings in the Republika Srpska was adopted in 2010, while the equivalent law was adopted in Brčko District of BiH in November 2011, but it have not enter into force yet. In the Federation of Bosnia and Herzegovina the draft of this law is in parliamentary procedure. In case of any future amendments to the applicable law, trained and experienced professionals engaged directly with this population should be included. Respondents think that there are ways to enhance the legal solutions in this field including, among other things, improvement of post-penal treatment and work with children subject to criminal sanctions. Respondents emphasize that criminal sanctions execution alone is not sufficient for the achievement of the purpose of their imposition. It is necessary to prevent recidivism in criminal offences and to this end it is necessary to organize and implement different post-penal treatments that would ensure follow-up and monitoring of the minor’s behavior after their release from the correctional facility. Another way to improve legislation in the opinion of the respondents is networking of the relevant institutions where particular importance has acceleration of court proceedings involving juvenile offenders in order to relieve court administration and to make it easier for the juvenile perpetrators. For this to happen it is necessary to have better law enforcement and use of legally provided measures such as imposition of educational recommendations, personal apology to the injured party and other similar measures which enable the attainment of the purpose of punishment.

Table 3

Are the applicable legal solutins related to treatment of children in conflict with law good?	
Excellent	2
Mostly good	35
Mostly bad	16
Very bad	3

4.3.5. Treatment and enhancement of situation of juveniles and children in conflict with law

Results of survey show that the employees in correctional institutions think of training in the region and abroad alike as one of the main preconditions that would enable improvement of work of professions with this population. Speaking about training, almost 60% of employees claim that they regularly receive training in this area, mostly in the region. Experience and knowledge are preconditions for good professional work in this field. However, modern standards, many international and EU treaties adopted recently and ratified by Bosnia and Herzegovina require close follow-up of all the amendments and modifications and training to enable professionals to catch-up. As a country aspiring to join the EU Bosnia and Herzegovina adjusted its legislation to European standards. Apart from training, employees think that their number is not sufficient and that new professional staff should be hired as they are missing in the institutions and work with children cannot be done by prison guards or rehabilitation officers inexperienced in work with children. Social workers, defectologists, pedagogues, psychologists are lacking in the institutions while they should be dominant.

Asked about the main challenges and problems facing in their work, respondents offered different answers which indicate that most of them see the problem in lack of professional staff, technical shortcomings, lack of available premises for organizing the stay of children and daily activities related activities. They think that fund reallocation would facilitate redress of some of these shortcomings.

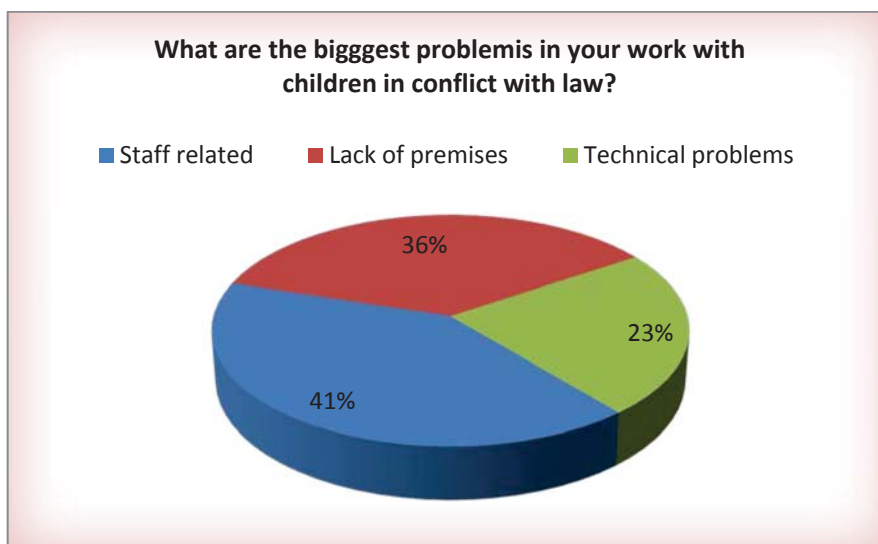


Chart no. 5

Asked about the equipment in their institutions respondents said that they are mostly satisfied with technical equipment in the establishments, but there are some who think that they are lacking some didactic devices. Therefore support of the relevant authorities would be crucial to enable supply with these items. During the organizing of focus groups with juveniles, the Ombudsman team made short visits to the institutions accommodating juvenile delinquents and saw that some of them lack the basic equipment.

Table 4

Do you have necessary didactic devices and tools for work with children?	
We are very well equipped	4
We are rather well equipped	33
We are rather poorly equipped	14
We are very poorly equipped	5

The most of the respondents think that the situation of minors could be improved if they would have the possibility to express their creativity, for instance in workshops for vocational training. However, such workshops are missing and there are many technical problems related mainly to lack of professional trainers for different jobs. Another problem is separation of minors and adults, which is required by both local and international standards. Survey has shown that most of the establishments where educational measures of committal to juvenile reformatory are implemented are not separated adequately from the establishments where adult offenders are accommodated. In some cases they even use the same premises such as canteen, backyard and sports grounds.

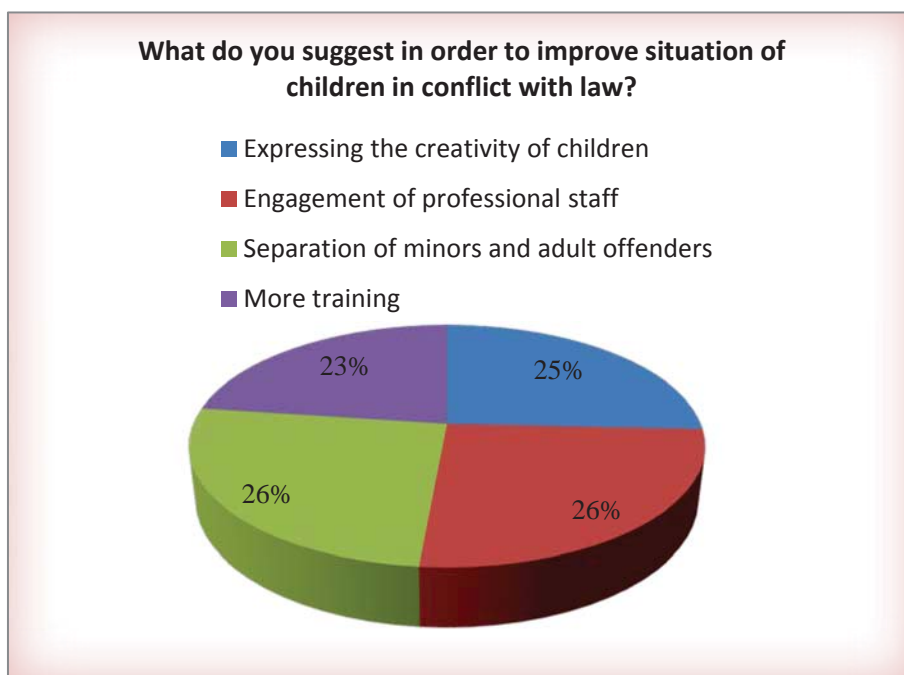


Chart no. 6

4.3.6. Food

As for other conditions of life in the establishments, primarily the food, respondents have offered different answers. Conclusion is that in the establishments where the minors spend 24 hours it is organized on a regular basis including three main meals and a snack. Institutions such as discipline centers offer breakfast and a snack and all the children are entitled to these two meals, while lunch and supper are supplied from the other institutions. Opinion of the respondents is that food is regularly offered and menu prepared in accordance with the provisions of the Law on the Execution of Criminal Sanctions and this mostly include the doctor, that is, the health care service of the establishment and other professionals in culinary field. In some institutions protégés are also included in preparation of the menu, according to their wishes. However, claims of protégés somewhat differ from what the professional staff said about it.⁷⁰ In general, 77% of respondents pointed out that there is no problem in supply of foodstuffs, while 87,5% of respondents think that children are not deprived of any kind of food.

4.3.7. Hygiene

Hygiene in the institutions is perceived as good and its level is adequate. It is important to point out that the juveniles are engaged in hygiene maintenance as a part of their occupational therapy. According to the respondents cleansing is done from 1 to 3 times a day. However, 7 respondents replied that there are problems in hygiene provision due to lack of cleaning items, but also the bad hygiene habits of the protégés.

4.3.8. Occupational therapy

One of the main factors in re-socialization of children and youth in conflict with law is well conceived and organized stay in the establishments for the execution of criminal and educational sanctions and measures. Attainment of the purpose of punishment depends on quality of program

⁷⁰ More details in Chapter 4.2

of work and treatment of this population. Most problems could be seen in the organization of occupational therapy. Badly organized time of youth and children in the institutions for criminal and educational sanctions execution is caused by other, already mentioned problems (lack of professional staff, technical problems, small rooms...). Results show that answers to these questions rather vary from an institution to another, but even in the same institution, respondents answer differently. This could mean that problems in the area of organization of occupational therapy are different or that employees of different expertise and positions are facing different types of problems. It is evident that workshops are non existing or missing, but in addition to that, we could not see initiatives of the employees to organize it with available means and plan daily activities of juveniles in more efficient manner. It is necessary to organize more sections, to occupy protégés with different activities, educational workshops, documentary films, writing of homework prior or after the school, to enable them to express their creativity. All these activities could contribute to more efficient re-socialization of minors. According to the employees, occupational therapy is practiced in working days every week.

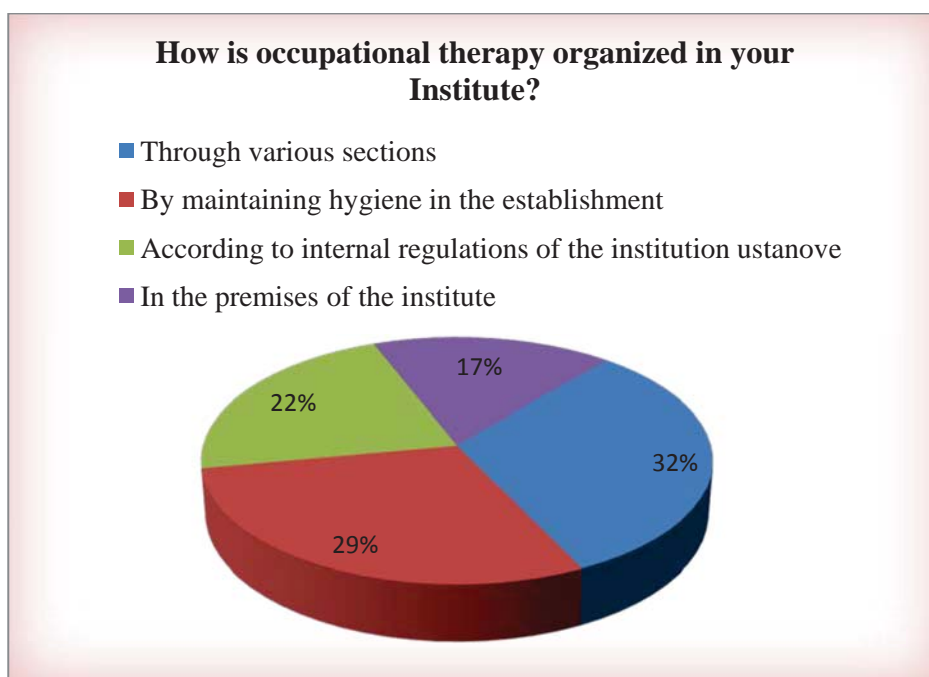


Chart no.7

With regard to sports, recreational, social and cultural activities in the establishments, they are maintained regularly. Sports activities are available, juveniles are interested and participate in it, and it is a regular activity. As for the excursions and visits to movies, theater or like, there are problems encountered mostly related to funding. In RS, despite the adoption of the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings, necessary by-laws regulating the methods of implementation are missing so that implementation of that Law is not possible. In disciplinary centers respondents claim that they do not organize excursions.

V – GENERAL RECOMMENDATIONS

1. The Ministry of Justice of BiH, the Ministry of Justice of the Federation of Bosnia and Herzegovina and the Ministry of Justice of the Republic of Srpska:

is recommended, in order to have adults and juveniles separated in the correctional and educational establishments, to establish separate juvenile prison institutions, that is, educational reformatories, or to adapt currently available premises in the institutes in order to achieve the above goal, pursuant to local and international criminal justice standards.

In order to be more efficient in treatment of juveniles accommodated in the juvenile prison institutions and reformatories to take the following measures:

- a) continuous supervision of professional staff in the institutions accommodating the juveniles in conflict with law
- b) to organize regular, specialized training sessions for professionals involved in treatment of juveniles according to the highest international standards.

2. The Ministry of Health of the Federation of BiH, the Ministry of Health and Social Welfare of the Republic of Srpska:

is recommended to regulate the rights to health care of for minors accommodated in these institutions by hiring permanently employed doctors and dentists in order to enable them the full access to medical services and health care. In this it should have in mind that protégés of these institutions are minors below 18 who have the right to permanent and mandatory health care according to local and international standards alike.

3. Parliament of the Federation of Bosnia and Herzegovina:

to initiate activities aimed at the adoption of the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings in the Federation of FBiH.

4. Government of FBiH, the Government of the Republic of Srpska and the Brčko District:

is recommended, according to the available funds to allocate budget for hiring of new staff in juvenile criminal sanctions execution system with particular attention to their motivation to work directly with juvenile delinquents, in particular social workers, pedagogues, psychologists and defectologists.

Annex I – Visits schedule/ Focus groups with juveniles

Institution/establishment	Date of Focus groups survey	Number of participants /juveniles comprised in Focus groups
Educational – Reformatory Home within the Tunjice Prison, Banja Luka	09.07.2012	7
Drop-in Center for Juveniles, Banja Luka	09.07.2012	6
Educational – Reformatory Home within the Tuzla Prison	10.07.2012	8
Educational – Reformatory Home within the closed type Zenica Prison	24.07.2012	12
Public Institution Institute for Upbringing of Male Children and Youth Sarajevo	25.07.2012	5
Educational – Reformatory Home within the „Kula“, Istočno Sarajevo Prison	24.07.2012	2

Annex II – Questionnaires

Institution/establishment	Date of submission of Questionnaires	Number of respondents from the ranks of employees
Educational – Reformatory Home within the Tunjice Prison, Banja Luka	09.07.2012	8
Public Institution Social Welfare Center Banja Luka	13.07.2012	5
Educational – Reformatory Home within the Tuzla Prison	06.07.2012	11
Educational – Reformatory Home within the closed-type Zenica Prison	12.07.2012	6
Public Institution Institute for Upbringing of Male Children and Youth Sarajevo	06.07.2012	5
Educational – Reformatory Home within the „Kula“, Istočno Sarajevo Prison	12.07.2012	7
Cantonal Public Institution Disciplinary Juvenile Center Sarajevo	03.07.2012	9
Public Institution Disciplinary Juvenile Center Tuzla	03.07.2012	5

Annex III – Individual discussions with experts

Date of interviews	Name and surname of experts	Institution/establishment
01.10.2012	Vildana Vranj, M.Sc. Senior Assistant, Criminal Law Department	Faculty of Law of the University of Sarajevo
01.10.2012	Jasmina Kosović, sudija za maloljetnike	The Court of BiH
01.10.2012	Semiha Borovac, member of Independent Commission for following-up the conditions of stay in the institutions, respect for human rights and treatment of persons subject to criminal sanctions and other measures pronounced by the Court of BiH in criminal proceedings and international courts for offences foreseen by the Criminal Code of BiH and international treaties accessed by the BiH or another court in accordance with law of BiH	Parliamentary Assembly of BiH
02.10.2012	Prof.Dr. Hajrija Sijerčić-Čolić, Criminal Law Department	Faculty of Law of the University of Sarajevo
02.10.2012	Alma Kovačević, member of Committee for monitoring of prisons	The Ministry of Human Rights and Refugees of BiH
03.10.2012	Dragan Uletilović, sudija za maloljetnike	Basic Court in Banjoj Luci
03.10.2012	Prof.dr. Ivanka Marković, Criminal Law Department	Faculty of Law of the University of Banja Luka
04.10.2012	Ass. Ivan Zovko, Criminal Law Department	Faculty of Law of the University Mostar
05.10.2012	Minka Smajević Head of Human Rights Department	The Ministry of Human Rights and Refugees of BiH