

Ljubinko Mitrović, PhD, Full Professor

Ombudsmen for Human rights of Bosnia and Herzegovina
ljubinko58@gmail.com

Jelena Kuprešanin

UNICEF Project Coordinator in Ministry of Health and Social Welfare of
Republic of Srpska
jelenakupresanin@yahoo.com

JUSTICE FOR CHILDREN IN JUSTICE SYSTEM OF BOSNIA AND HERZEGOVINA- REFLECTION ON EUROPEAN LAW IN AREA OF HUMAN RIGHTS

ABSTRACT

In recent years, authorities in Bosnia and Herzegovina with support of international organizations achieved very important goals in improving respect for children's rights in area of judiciary, police and social protection. Also, similar process is happening in countries in region, which is very important indicator of unification of policy makers to make their society better place for all citizens and vulnerable categories such as juvenile offenders, victims and witnesses. Bosnia and Herzegovina has complex state organization- two entities and one District, which means three different legislatives. Not only in justice for children system but also in all attempts on improving any other system, decision makers must be aware that they need to deal with three processes at same time. As every social change, these changes take time, motivation and resources. Policy makers in Bosnia and Herzegovina did recognize urgent need to make this area more structured and through working plans agreed with three Governments in Bosnia and Herzegovina, there is tendency that in the following period, system of juvenile justice will be improved, based on experiences from past and on vision and desire to make society of Bosnia and Herzegovina as society safe and healthy for all families. Using comparative analysis, description and methods of abstraction and concretization, this Paper will show justice system in Bosnia and Herzegovina with focus on justice for children, in reflection with area of human rights contained in European Law. System of child protection is extremely complexed and sensitive, and in process of creating surrounding best for them, Bosnia and Herzegovina's society must show the will, motivation and great energy in strengthening justice for children.

Keywords: *Human rights, Bosnia and Herzegovina, justice system, children, European area of justice*

1. INTRODUCTION

European Union is based on a strong commitment to promoting and protecting human rights, human dignity, freedom, democracy, equality, the rule of law, democracy and the rule of law worldwide. Human rights are at the very heart of EU relations with other countries and regions. Promoting human rights work can help to prevent and resolve conflicts and, ultimately, to alleviate poverty. European Union policy includes¹ working to promote the rights of women, children, minorities and displaced persons, opposing the death penalty, torture, human trafficking and discrimination, defending civil, political, economic, social and cultural rights and defending the universal and indivisible nature of human rights through full and active partnership with partner countries, international and regional organisations, and groups and associations at all levels of society. Considering the fact that Bosnia and Herzegovina still is no part of European Union, it is much harder to achieve complete protection in area of human rights. Bearing in mind situation like this, we also can not ignore the fact that authorities in this country actively work on development of mechanisms which will focus on protection of its citizens on all aspects, within complex country structure.

2. CHILD PROTECTION - CONTEXT OF BOSNIA AND HERZEGOVINA

UN Guidelines for Alternative care of Children² aims to support implementation of UN Convention on the Rights of a Child and all other documents which will provide best interest of a child accomplished. One of the main principles is preservation of a family and avoiding separation of a child from a family, because family surrounding is the best for child's mental and physical health. Only in case when that care is not adequate, system must find other alternative care solution which best fits to every individual child and protects his rights. Document emphasise the importance of having strong and well structured child protection policies and frameworks and constant work on prevention of separation of children from their parents. Special attention is focused on protection of vulnerable children (victims, abandoned, children living on street, refugees and children with disabilities) and avoiding discrimination of parents based on their poverty, religion, illness or other circumstances which can lead to abandonment of a child. One of principles is also alternative care which must be must appropriate for every child and taking into

¹ European Union website, [www.europa.eu] Accessed 15. May 2018

² The Guidelines for the Alternative Care of Children were endorsed by the United Nations General Assembly on 20th November 2009, in connection with the 20th anniversary of the UN Convention on the Rights of the Child

account child's environment, health and social life and respecting his dignity and his/her voice in decision making. Also, alternative care should be temporary and if possible not to separate siblings. This Document and also other documents from area of protection of children stresses out that children under age of three should not be placed in institutions. Important issues such as "children without parental care", "alternative care" and "residential care" are detailed explained with focus on prevention the need for alternative care, strengthening biological families, preventing separation and promoting family reintegration. One of the important objectives of these Guidelines is to have a good network of care providers who are trained and motivated, timely acting in emergency situations and focus also on children who are already abroad.

2.1. Benefits from legislative framework

At the end of 2017, the National Assembly of the Republic of Srpska adopted a new Law on Child Protection that regulates the child protection system, carriers of the child protection system, rights and users from child protection, conditions and procedure for exercising rights, financing, supervision, records in child protection and other issues of importance for the functioning and realization of child protection. The child protection system in Republic of Srpska consists of organized activities and activities that provide support for the birth of children and harmonization of work and parenting, creating basic conditions for equalizing the level of meeting the developmental needs of children, helping the family with children in achieving its reproductive, protective, educational and economic functions, improving the material situation of families with children and the special protection of the third child in the family.³ Also, special attention is focused on protection of children without parental care. Numerous experts in the Republic of Srpska professionally deal with the analysis and improvement of the living conditions of children growing up in institutions. As an integral part of the strategic commitments of the Government of the Republic of Srpska in the area of social protection of citizens, the Strategy for Improving Social Protection of Children Without Parental Care 2015-2020 was adopted. The Strategy foresees directions of action that, in accordance with the available possibilities, improve the activities of the holders of the social protection system in the Republic of Srpska. In addition, all actions taken in connection with the provision of social support to children without parental care are aimed at achieving the best interests of the child. The overall goal of the Strategy is to develop and improve systemic models of

³ Law on Child Protection of Republic of Srpska, Official Gazzete of Republic of Srpska, number 114/17

management and action in the field of social protection of children who have the capacity to respond to the needs of children without parental care and to the needs of children at risk of separation from parents, in accordance with the best interests of the child. Aim of Strategy for improving the social protection of children without parental care 2015-2020 in Republic of Srpska is to achieve a better realization of the rights of children without parental care through the social protection system, and to develop and improve the system of social protection of children that would be able to respond to the needs of children without parental care. The Strategy foresees directions of action that, in accordance with the available possibilities, improve the activities of the holders of the social protection system in the Republic of Srpska. In addition, all actions taken in connection with the provision of social support to children without parental care are aimed at achieving the best interests of the child. The overall goal of the Strategy is to develop and improve systemic models of management and action in the field of social protection of children who have the capacity to respond to the needs of children without parental care and to the needs of children at risk of separation from parents, in accordance with the best interests of the child. The Strategy foresees directions of action that, in accordance with the available possibilities, improve the activities of the holders of the social protection system in the Republic of Srpska. The specific objectives are defined based on the recognition of six areas of action towards children without parental care in the social, family and child care system.

Specific goals of Strategy are focused on:

1. The area of preventive protection of children at risk of separation, which implies sensitization of experts, parents, children and young people for family life issues that lead to violation of parental roles, establishment of a systemic solution for the promotion of preventive activities, early detection of children who grow at an increased risk of loss of parental care, and empowerment of parental competence in the field of care and acting towards the child.
2. The field of guardianship, which implies the improvement of systemic arrangements for the implementation of guardianship in order to achieve a higher degree of custody of children without parental care.
3. The field of adoption, which implies improvement of systemic solutions and affirmation of adoption in practice, as the most efficient model for the care of children without parental care.
4. Foster care, which implies providing material, institutional and personnel requirements for the implementation of family accommodation based on raising

the quality of existing and establishing new models of family care services for children without parental care.

5. The scope of institutional care for children without parental care, which implies improvement of care in social care institutions that provide institutional accommodation through the extension of the scope, quality and diversity of social protection services.
6. The area of support for the independence of young people leaving organized forms of social protection for children without parental care, which includes organized forms of social protection for children without parental care.

Since 2013, the Republic of Srpska has been working intensively on promoting foster care. The Law on Social Protection⁴ provides care in the foster family as a form of providing the beneficiaries with a family that ensures that they meet the basic needs of life, which takes care of the personality of the beneficiaries and helps them in exercising their rights and execution of obligations. The Regulation on Foster Care⁵ prescribes the types and forms of care for the foster family, and depending on the needs and conditions of the beneficiaries, standard, specialized and urgent fostering is applied. The focus of these long-term activities is to develop the capacity of experts dealing with this area, improving competencies and training to assess the general suitability of foster families for the quality of performing a foster care role, and foster care tasks to meet the specific needs of beneficiaries for which foster care is applied as a safeguard measure. Also, Federation of Bosnia and Herzegovina recently adopted Law on foster care. In Bosnia and Herzegovina, foster care campaign is active in partnership of UNICEF and Governments. Helping families at risk and preventing the separation of children from families, primarily means their timely identification, and an individual approach in accordance with the individual needs of each family. Support can be provided by various institutions, above all, the key role have the centers for social work that provide continuous support and who are familiar with family circumstances and challenges through which families go through their life cycles.

2.2. Recommendations

In context of overall situation in area of child protection, Governments in Bosnia and Herzegovina must focus on:

⁴ Law on Social Protection,, Official Gazette of the Republic of Srpska, No. 37/12, 90/16

⁵ Regulation on Foster Care, Official Gazette of the Republic of Srpska, No. 27/14

- **Strengthening national Laws on Child Protection at all levels-** Child protection systems should provide support for harmonization of parenting, creating basic conditions for satisfaction of children needs, helping families to achieve its reproductive, protective, educational and economical role, improving financial situations of a families and special attention of a third child in a family. Laws on child Protection and also by-laws should include carriers of a system of child protection, rights and beneficiares, financing and supervision.
- **Finalizing transformation plan of Children’s Homes in Bosnia and Herzegovina in aim to reduce number of children in institutions and to increase number of services for a child and a family-** Developing and adopting new services for families such as day care centers, counseling, resource centers and service called “family associate” which already exist in region and which showed excellent impact on strengthening biological families.
- **Support to biological families-** Best way to provide this kind of support is directly in family with help of experienced social workers and similar profesions, but while developing this “assistance directly at family home”, families should be able to be supported in centers for social work or in day centers.
- **Strengthening of capacities of experts from centers for social work and foster parents-** To make possible that families get real support means that experts should be trained how to do that on best way. People who work in this area already have knowledge through their education, but extra education with this focus can benefit to both- professionals and families. In this sense, providing trainings for supervision is extremely important.
- **Support to youth who leave care systems-** After leaving care system, youth needs additional support in their way of entering into the world of adults. Governments should provide programs/centers which main focus would be that for certain time they assist to adult in job search, housing, counseling... Experiences from other countries showed that good example for this could be to provide/build apartments for this youth where they would do housework independently and be able to have a good start for life, and that is the basis for their progress.
- **To work more on relations between biological and foster families-** It is important that all partners in process where child must leave family (biological parents, social worker, foster parent), and especially social worker who is bond between biological and foster family realize that for the best interest of a child is to know its identity, to avoid secondary trauma and to be accepted with its all individual characteristics. Through supervisions and trainings, experts could get more knowledge about how to choose right foster family and how to prepare a

child for new changes. Also, bearing in mind that in Bosnia and Herzegovina there is certain number of children with disabilities and with challenging behavior, training should be provided to foster parents also- with focus on specialized foster care which is urgent need in society of this country.

Governments should work and lobby for enabling financial resources for above mentioned activities.

2.3. Challenges

Looking at the overall situation in Bosnia and Herzegovina related with area of child protection, key challenges are following:

- Material status of families- poverty must never be a reason for separation of children from families. It is reality of society of Bosnia and Herzegovina that there is a lot of families in need, but governments should focus on helping those families to overcome obstacles in their family development. Money which system gives for alternative care should be focused on families in need. For example, if one month in alternative care costs 700 BAM per child, that money on monthly level could help biological family to fight against life challenges and to keep child in family. Also, strategies for employment, made by Governments could provide that families whose parents do not have job (and that is very often), make salaries and keep their family together. This process is systematic measure and could be monitored by Government directly, with assistance of local community and Centers for Social Work who already know families at risk and can make a social map and follow the progress.
- Situation analysis⁶ showed that in Bosnia and Herzegovina there is 1.640 children without parental care and that number of children with disabilities is in higher percent in comparison with other children without parental care. This means that our society still needs to learn a lot about how to deal with specific needs of this vulnerable categories. Governments in Bosnia and Herzegovina put a lot of efforts to emphasize the importance of protection of children with disabilities, but this is a long process and needs step by step actions. Main action should be to educate and make awareness about disabilities in general, to help and support parents who have children with disability because often because of fear and not knowing what to do, parents decide to put a child in institution. Health and Social Welfare system should work closely in this area, and to enable support to families by making team of people consisted of doctors and

⁶ Done by UNICEF Bosnia and Herzegovina during 2017

helping professionals who could work together with family. Those teams could go directly to family or to be part of daily center where families can go, with assistance of social worker in both cases because social worker is key bond between family and service provider. This intervention could be followed by Centers for Mental Health and Centers for Social Work and monitored by relevant ministries of health and social welfare in Bosnia and Herzegovina.

- Parent never stops being parent, even if he is absent or not live anymore. For child's identity and avoiding additional trauma, it is important that it knows all about its origin. Unfortunately, we can not influence on life, but we can work on providing best care for a child whose parents died. In those situations, kinship foster care showed as best for a child, because they already know each other and already have special bond. Social workers who make decisions about placements should support capacities of kinship parents and also if there are siblings, to put them together in kinship family. For a child best interest is not to change a lot of foster families, and kinship care, with good assessment of social worker and support provided, is most relevant for a child. This measure of giving extra importance to kinship care could be measured very well directly by centers for social work.

2.4. Issues

Two key child protection issues in Bosnia and Herzegovina are:

- 1) **Process of transformation of institutions where are placed children without parental care and children with disabilities.** Recent data presented on IFCO 2017 World Conference, showed that 500 000 children in Europe are placed in institutions. Also, generally, UN Convention on the Rights of the Children and UN Guidelines for the Alternative care of Children emphasise importance of this issue. Bosnia and Herzegovina is currently on the beginning of process of transformation and through existing projects, governments work effectively on making transformation plans in aim to reduce number of children in institutions, to develop alternative ways of care- especially foster care as closest model to family (this is incorporated in laws in Bosnia and Herzegovina). Most important goal of this process is to strengthen biological families and to prevent separation of children from families. On this way, family as a key cell of society will be preserved and children will avoid trauma and have the opportunity to grow in love and in warmth of their own home.
- 2) **Creation and strengthening legal frameworks for protection of children rights in all aspects.** Existing Laws on Child Protection in Bosnia and Her-

Herzegovina show that our society needs to overcome some gaps, and laws need to be adopted and some new ones created in order to protect best interest of a child. Also, there is obvious need for creation of by-laws which will cover areas of protection of children from all forms of violence. In Republic of Srpska, Federation of Bosnia and Herzegovina and District Brcko progress has been made in a way that existing laws are improved, new strategies and guidelines created and in some parts of country funds for implementation are provided. Those activities indicate progress which will continue also in future. Also, by making domestic laws and regulations, governments in Bosnia and Herzegovina should follow international recommendations and should accept generous help in this process offered by international organizations.

3. JUSTICE FOR CHILDREN

Bosnia and Herzegovina in recent years has taken important steps to initiate reforms in the area of children's rights. The reform of the justice for children system, under the umbrella of the wider criminal justice sector reform, demonstrates the commitment of line ministries and their institutions to bring the justice for children system in line with international and European child-rights principles. Key laws to enhance children's protection in the justice system have been adopted in each entity and District Brcko. Municipal Working Groups with the aim of encouraging multi-sector cooperation at the local level, encouraging the use of alternative measures and creating and implementing secondary and tertiary prevention programmes, have been established, and secondary prevention programmes for identifying at-risk children and addressing their needs have been piloted. Furthermore, child victims and witnesses have increased access to child-friendly justice systems, including child-friendly interviewing rooms at the police and courts and capacitated professionals, leading amongst others to an increase in the number of children receiving specialised witness support from 28 in 2013 to 539 children in 2016. However, progress has been patchy and uneven and much more remains to be done in establishing a holistic justice for children system.⁷ Within the Project

⁷ Data of UNICEF Bosnia and Herzegovina as a result of project "Justice for Children". Activities implemented under this joint project of UNICEF and relevant ministries in Bosnia and Herzegovina include support for the drafting and implementation of primary and secondary legislation, development of training programmes, development and enhancement of the capacity of professional staff, strengthening inter-sectoral cooperation, providing support to establishment of day care centres, implementing secondary and tertiary prevention measures, prevention of offending and re-offending, as well as a number of activities focusing on protection and reintegration rather than punitive measures. The aim is to ensure that children in conflict with the law receive better services and protection, and that experts recognise their needs. This includes taking a consistent and uniform approach, addressing socio-cultural causes of juvenile offending and mobilising the whole society (parents, citizens, edu-

“Justice for children” authorities in Bosnia and Herzegovina together with UNICEF Bosnia and Herzegovina achieved very important goals in improving respect for children’s rights in area of judiciary, police and social protection. Also, similar process is happening in countries in region, which is very important indicator of unification of policy makers to make their society better place for all citizens and vulnerable categories such as juvenile offenders, victims and witnesses.

3.1. Solutions and progress

Reasons for unequal progress and possible solutions would be:

- Bosnia and Herzegovina has complex state organization- two entities and one district, which means three different legislative. Not only in justice for children system but also in all attempts on improving any other system, decision makers and partners must be aware that they need to deal with three processes at same time. Republic of Srpska is centralized and it makes this process go much faster, Federation of Bosnia and Herzegovina is decentralized and before any actions, cantons must agree among themselves about joint progress, and District Brcko has its specific Government. Suggestion would be to primarily understand well functioning of all parts of Bosnia and Herzegovina, and then to make detailed plan for progress bearing in mind specifics of every part of Bosnia and Herzegovina. This also means, to lobby with highest level of authorities, to make them aware of necessity of improvement of juvenile justice, and then to focus on other levels- which means that influence must go from top. Without respecting this, progress made so far can be stopped and precious time wasted and that definitely is not at the best interest of children in Bosnia and Herzegovina.
- Significance of preventive work is not enough emphasized. Even though a lot of educations were conducted, this should be more than just education- it should be raising awareness. For example, if we organize education for workers in centers for social work, and we forget directors, then our education achieved just half of goals. Possible solution would be to include not only workers in centers, police, courts or prosecutors, but also their superiors, because only then they will be able to really make actions possible. Of course that it is important that every individual has its own motivation, but without understanding of their superiors, those experts will not be able to give its maximum. Bearing in mind stress which is obvious in professions like this, good idea would be to organize

cational institutions, legislative authorities and NGOs) in combating juvenile offending. Also, other activities in the area of prevention and support for children in contact with the justice system were performed. Reforming the juvenile justice system is one of the conditions for ensuring compliance with the UN Convention on the Rights of the Child

supervision for all people working in this area, because burn-out syndrome is hidden danger.

- One of the reasons for unequal progress is also different implementation of Law on Protection and Treatment of Children and Juveniles in the Criminal Procedure Code. This is also a result of different system functioning in Bosnia and Herzegovina. One of the solutions could be to connect policy makers from different parts of country, to share experiences and to follow practices. Cooperation is *conditio sine qua non* for progress, not only between different entities, but also within systems (for example: to connect social workers with prosecutors and judges, because they all work together in same goal on advancement of juvenile justice).
- Social workers across Bosnia and Herzegovina do not have same approach to questions of minors in conflict with law- this is mainly consequence of some obsolete modalities of social work methods, new and old generations of social workers. It is extremely important that social workers adapt new modalities and to write unique social anamnesis. Authorities at all levels in Bosnia and Herzegovina should make guidelines for social anamnesis and other relevant documents, in order to have detailed data about minor and its family, so judges could make proper decisions. Social workers usually know very well child and family, they are with them also during the process on the court, and also later in process of treatment and resocialization. This means that social worker is partner to a family and a crucial factor in support and strengthening its capacities.
- Child-friendly interviewing rooms exist only in few municipalities in Bosnia and Herzegovina. Focus in this subject and solution for following period should be to lobby more at local level, because municipalities are guided from different leaders, and plan to approach them should be individual. Also, it is important to lobby for more resources.
- Even law on questions about juvenile justice exists in Bosnia and Herzegovina for five years now, not all of what is written is implemented. For example- there are no institutions for realization of some measures proscribed by law. Suggestion and focus for following period should definitely be to make/build daily centers where minors can go after desision by court is made and where they can get professional help during and after time spent there.

4. CHILDREN IN CONFLICT WITH LAW- TO PREVENT AND TO HELP

In institutions in Bosnia and Herzegovina regarding proceedings in justice that are directed towards children and juveniles who are in conflict with the law, problems of a practical nature are evident, due to the fragmentation of criminal legislation, which is regulated in this area and still at four legislative levels at the level of the Republic of Srpska, at the level of the Federation of BiH and at the level of the Brko District, if their provisions are almost identical and based on the same principles, and because of the fact that in the procedure towards them, if there are no special solutions, provisions of the laws applicable to adult perpetrators of criminal offenses. In addition, as parts of entity laws, and before the reform of criminal legislation in BiH in 2003, there were special provisions concerning juvenile perpetrators of criminal offenses, which even when the investigative procedure against adult perpetrators went beyond the jurisdiction of the prosecutor, they did not suffer much because preparatory proceedings against juveniles remained within the jurisdiction of a juvenile judge (Observatory for Human Rights in Bosnia and Herzegovina, 2014).

Children and minors in conflict with the law need and have the right to appropriate care, protection, and the opportunity for social reintegration - the rights that the criminal justice system for juveniles should be based on. Shifts have also been made in the increasing importance of mediation in the social protection system, especially in relation to minors in criminal proceedings. Centers for Social Work are in the public's focus because they are preoccupied with remedying the consequences of certain social problems, and less time is allocated for preventive activities. There is a positive tendency in terms of organizing a large number of scientific and professional meetings where experts exchange experiences and contribute to the improvement of the general social situation, pointing to the importance of observing this issue from the point of view of individuals, groups and society as a whole. Research should aim at relieving centers for social work, providing resources, professional staff, informing the public and improving the general social climate, because a healthy society and environment encourage children and young people to be aware, conscientious and responsible for their own actions (Mitrovic, Kupresanin , 2017).

The principal regional systems for the protection of human rights essentially rely on the rules set out in the regional conventions which created them. Nevertheless each convention in its preambular provisions links it to the Universal Declaration of Human Rights and, explicitly or otherwise, to the Charter of the United Nations. The European Convention' in its preamble provides that, through the

agreement to establish the treaty and its institutions, the “Governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law” have resolved, “to take the first steps for the collective enforcement of certain of the Rights stated in the Universal Declaration”. (Wilner, 1996).

Guidelines for Action on Children in the Criminal Justice System⁸ state the importance of a comprehensive and consistent national approach in the area of juvenile justice as recognized, with respect for the interdependence and indivisibility of all rights of the child. In the use of the Guidelines for Action at both the international and national levels consideration should be given to the respect for human dignity, compatible with the four general principles underlying the Convention, namely: non-discrimination, including gender-sensitivity; upholding the best interests of the child; the right to life, survival and development; and respect for the views of the child. The principles and provisions of the Convention on the Rights of the Child and the United Nations standards and norms in juvenile justice are fully reflected in national and local legislation policy and practice, in particular by establishing a child-oriented juvenile justice system that guarantees the rights of children, prevents the violation of the rights of children, promotes children’s sense of dignity and worth, and fully respects their age, stage of development and their right to participate meaningfully in, and contribute to, society. The European Convention on Human Rights (ECHR)⁹ protects the human rights of people in countries that belong to the Council of Europe. The Convention consists of numbered ‘articles’ protecting basic human rights. The Convention secures the right to life, freedom from torture, freedom from slavery, the right to liberty, the right to a fair trial, the right not to be punished for something that wasn’t against the law at the time, the right to respect for family and private life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly, the right to marry and start a family, the right not to be discriminated against in respect of these rights, the right to protection of property, the right to education, the right to participate in free elections and the abolition of the death penalty.

Children in conflict or contact with criminal justice or welfare agencies either as children in need of protection, children at risk, on arrest, during trial, in detention or as victims and witnesses, are often in a vulnerable position, unaware of their rights or unable to enforce them. How these children are treated by the system is

⁸ Recommended by Economic and Social Council resolution 1997/30 of 21 July 1997

⁹ The European Convention on Human Rights (ECHR) (formally the Convention for the Protection of Human Rights and Fundamental Freedoms) is an international treaty to protect human rights and fundamental freedoms in Europe. Drafted in 1950 by the then newly formed Council of Europe the convention entered into force on 3 September 1953

a critical factor in determining how they will be reintegrated into their families, schools and communities (Penal Reform International, 2013).

5. CONCLUSION

An assessment of juvenile justice in Bosnia and Herzegovina¹⁰ pointed out that strategies on juvenile offenses should be based on a realistic risk assessment and expected constraints, a careful analysis of the most urgent changes in the system and a relevant assessment of the viability of possible approaches and measures to address priority problems. The priority should be to support the centers for social work in developing capacities that will enable them to fulfill their obligations in accordance with the law. Opening a large number of day centers can influence the elimination of existing shortcomings in secondary prevention programs, and legal solutions should be constantly monitored and analyzed.

System of child protection is extremely complex and sensitive, and in process of making our world best for children, Bosnia and Herzegovina's society must show the will, motivation and great energy in accomplishing that goal. Child protection is large, sensitive and one of the most important areas of one society. Every country has its own mechanisms to provide social security of this part of population. Family is basis of all relations and actions, and often it happens that family needs to deal with different challenges in its development and life cycles. Some crises are temporary, but some of them are unfortunately permanent and they indicate offering support and help- material and non material. Most vulnerable categories of children are children without parental care, children with disabilities, children victims of violence and children in contact with law.

As every social change, these changes take time and need a lot of steps, motivation and resources. Authorities in Bosnia and Herzegovina did recognize urgent need to make this area more structured and through working plans agreed with three Governments in Bosnia and Herzegovina, in following period, system of juvenile justice will be improved, based on experiences from past and on vision and desire of us all to make society of Bosnia and Herzegovina as society safe and healthy for all families.

¹⁰ UNICEF (2011). Evaluation of juvenile justice in Bosnia and Herzegovina

REFERENCES

BOOKS AND ARTICLES

1. Mitrovic, Lj., Kupresanin, J., *Role of guardianship authority in implementation of corrective measures to minors- Response to challenges in functioning of modern family*, Thematic Proceedings of International Significance "Archibald Reiss Days". Academy of Criminalistic and Police Studies, Belgrade, 2017
2. *Observatory for Human Rights in Bosnia and Herzegovina*, 2014
3. *Penal Reform International Manual: Protecting children's rights in criminal justice systems*, A training manual and reference point for professionals and policymakers, 2013
4. Wilner, G., *Reflection on regional human rights law*, Georgia Journal of International and Comparative Law, Vol. 25, Nos. 1-2, 1996, pp. 407-426

ECHR

1. European Convention on Human Rights, 1953

EU LAW AND OTHER LEGAL ACTS

1. UNICEF Evaluation of juvenile justice in Bosnia and Herzegovina, 2011
2. UN Guidelines for the Alternative Care of Children, endorsed by the United Nations General Assembly on 20th November 2009
3. Guidelines for Action on Children in the Criminal Justice System Recommended by Economic and Social Council resolution 1997/30 of 21 July 1997

LIST OF NATIONAL REGULATIONS, ACTS AND COURT DECISIONS

1. Law on Social Protection, Official Gazette of the Republic of Srpska, No. 37/12, 90/16
2. Law on Child Protection, Official Gazette of Republic of Srpska, number 114/17
3. Government of Republic of Srpska, Strategy for improving the social protection of children without parental care 2015-2020
4. Regulation on Foster Care Official Gazette of the Republic of Srpska, No. 27/14