



Number: 1129/11

# SPECIAL REPORT ON

## - CHILDREN RESIDING IN CHILDREN'S HOME –

Banja Luka, August 15<sup>th</sup>, 2011

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## I INTRODUCTION

Ombudsman for Children of Republic of Srpska, acting ex officio, and in accordance with authorities prescribed by the Law<sup>1</sup>, states the need for submitting this Special Report which points out the necessity of systematic action in the field of family, legal and social protection in order to ensure and provide more efficient protection of children without parental care and children disturbed by family situation in their development.

UN Convention on Children Rights is a legal act and it obliges states who have accepted it to act according to its demands and basic principles.

Ombudsman for Children authorities are clearly defined by the law.

Ombudsman for Children, in performing its tasks, acts in accordance with the Constitution and other laws and general acts, as well as with international contracts and widely accepted international law regulation, guided by the principles of fairness and morality.<sup>2</sup>

### Ombudsman for Children

- monitors accordance of the law and other regulations in Republic of Srpska that relate to protection of children rights with the Constitution of Republic of Srpska, UN Convention on Children Rights and other international documents that are on protection of rights and interests of children,
- monitors violations of the rights and interests of children,
- proposes certain measures for protection and promotion of children rights, and also for prevention of harmful actions that infringe rights and interests of a child<sup>3</sup>.

Ombudsman for Children has right to access all information on children who temporarily, based on the competent body decision, are living with legal or physical persons, including the right to access the premises where children are residing as well as the right of unlimited access to institutes<sup>4</sup> (where state places children without parental care).

In accordance with its legal authorities, Ombudsman for Children has analyzed position of children placed in Children's Home "Nada Vranjesevic" in Banja Luka.

Subject to analysis were, before all, the reasons and legal grounds for placing children in this institute, accommodation procedure, period of stay and living conditions.

Institution of Ombudsman for Children of RS in period September/October 2010 by the means of questionnaires has requested data from Centers for Social Work on issues related to the placement of children in Children Homes.

After collecting information from all Centers for Social Work, visit was paid to the Children Home "Nada Vranjesevic". This visit was scheduled so the employees could prepare all relevant documentation and all professionals could be present for the meeting.

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<sup>1</sup> The Law on Ombudsman for Children, "Official Gazette of RS", number 103/08

<sup>2</sup> The Law on Ombudsman for Children, Article 3.

<sup>3</sup> The Law on Ombudsman for Children, Article 5.

<sup>4</sup> The Law on Ombudsman for Children, Article 10.

During the visit, Assistant Director for legal affair Mr. Vladimir Kajkut and Assistant Director for Education Ms. Vinka Belenzada provided all needed information and documentation and they also gave a tour around premises to the Ombudsman representatives. Also, at the meeting present were all other employees (pedagogue, social worker, teachers, and nurses) and the children who live in the Home.

Activity of the Children's Home is to take care of children without parental care and children without adequate parental care whose development is disturbed by family situation. The aims of accommodating is to provide care (residence, nutrition, clothing, care, assistance and welfare), health care, education and assistance in education, vocational training, vocational, cultural-entertaining and recreational- rehabilitation activities and services of Centers for Social Work.

The right to accommodate child within Children's Home is regulated by the Law on Social Protection and Children's Home Statute. However, current positive regulations do not clearly prescribe the procedure and conditions for accommodating children in Homes.

Out of total number of children without parental care and without adequate parental care / according to data provided by Centers for Social Work this number is 640 children/ and out of this number 15% of children is accommodated in Children's Home.

The Home provides finances from three sources: Ministry of Health and Social Protection budget as the competent Ministry, funds paid by Centers for Social Work for the service provided to children/users from their municipalities and donations made by legal and physical persons<sup>5</sup>.

## II RELEVANT REGULATIONS

1. UN Convention on Children Rights<sup>6</sup> is the first comprehensive international document that introduces children as subjects of international laws and protection, which establishes standards and basic principles and it demands new and improved (of better quality) relation towards children. Convention obliges that in all cases when child is not provided with appropriate parental care, such care will be provided in a way and under conditions prescribed by the law which should put in focus the best interest of a child.

Child who has temporarily or permanently been deprived of his family or to whom, in his/hers best interest it is banned to stay in such environment, has a right on special protection and assistance of a state.

Member countries, in accordance with their national laws provide alternative care for such a child.

Such care should include, among other things, placement in another family, adoption or, if necessary, placement in adequate institutes that provide care for children. While examining decisions, attention should be paid to the fact that continuity in raising

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<sup>5</sup> The Law on Social Protection, "Official Gazette of RS", number 5/93, article 79

<sup>6</sup> UN Convention on Children Rights has been adopted on UN General Assembly on November 20<sup>th</sup>, 1989, and B&H has accepted it by notification on succession in 1993

child is desirable and also respected should be child's ethnical, religious, cultural and linguistic heritage<sup>7</sup>.

2. Stockholm's Declaration on Children under Institutional Care<sup>8</sup> invites all countries to improve their legislative in part on protection of children without parental care, to adopt standards for support and protection of children and to provide that social care services are able to adequately respond to those tasks. Declaration emphasizes the need of joint work of government and non-government sector, scientists and experts in order to provide better care and protection for children without adequate parental care.
3. Guidelines for alternative child care<sup>9</sup> are practical instruments that strengthen the role, significance and necessity of Convention on Children Rights application as well as all other international instruments related to the protection of children who are deprived of appropriate parental care or children exposed to such risk. Guidelines are proposing that already defined politics and practice should be focused at:
  - prevention of separation of children from family,
  - assessment of all circumstances in situation when child separation is necessary,
  - providing different forms of child care,
  - establishing criteria that will define the best form of child protection out from family,
  - selection of persons who will provide this form of protection, how to educate them and especially how to monitor work of these persons.

#### 4. UN Committee for Children Rights Recommendations

UN Committee for Children Rights in 2005 has examined initial B&H report on conditions of children rights and expressed its concern about Convention implementation and about implementation and protection of rights of children without parental care and consequently, it has passed following recommendations<sup>10</sup>:

- All children without parental care should be placed in institute only in case of extreme necessity, when it is recommended by experts and when it is in the best interest of a child,
- To ensure periodical accommodation checkups,

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<sup>7</sup> UN Convention on Children Rights, Article 20

<sup>8</sup> Declaration was passed in Stockholm , 2003, on Second International Conference on Children Under Institutional Care

<sup>9</sup> The Guidelines are result of 5 years work of numerous participants, UN Committee for Rights of a Child, governments of many states, UNICEF, various experts, non-government organizations and, what is especially important, young people who have personal experiences of growing up in institutes for institutional care and protection. Guidelines were supported in 2009 on UN General Assembly held on the occasion of 20 years of UN Convention on Children Rights

<sup>10</sup> UN Committee Recommendation on Children Rights, point 41

- To build better standards for foster care,
- To decrease period of time children spend in institutionalized accommodation,
- To ensure fund for functioning of foster care bodies and foster care accommodation.

## 5. Family law<sup>11</sup>

According to the Family Law foster care body has extremely important role in protection of personal and property rights and interests of a child to make his/hers own decisions or initiates appropriate procedure for child protection or it gives opinion to the competent body which will make appropriate decision.

In order to protect a child and his/hers best interest, Family Law establishes numerous measures that are applied in cases when parents neglect or abuse their parental rights. The Law defines<sup>12</sup> in which cases parent abuses parental rights and obligations, by which he/she hideously neglect parental responsibilities and rights, it establishes that in stated situations ,the court will in out-of-court procedure, deprive parent of parental right. Foster care body is obliged to initiate procedure for deprivation of parental rights even in a case when it learns that there are circumstances which indicate child abuse, abuse of parental right, abandoning of a child, neglecting child care, neglecting parental obligations<sup>13</sup>.

The Law furthermore regulates that if a parent, adoptive parent or guardian are not capable to perform increased supervision, foster care body may decide to give minor to another family who has opportunity and volunteers to perform this task, and if there are no other possibilities for increased supervision in other family, minor will be under protection and supervision of the foster care body<sup>14</sup>.

In Article 105 of the Family Law it is stated that if there are justified reasons and it is for the child benefit, the Court will, in out-of-court procedure, on proposal of foster care body, send a child in an appropriate nurturing-educational institute for care and education.

The Law, therefore, gives priority to the measures of legal family protection that are imposed for protection of children that are at the risk, establishing the possibility of parental right deprivation in cases and under conditions prescribed by the Law.

## 6. The Law on Social Protection<sup>15</sup>

The law on Social Protection prescribes protection for minors who are not staying with their families-without parental care, challenged in psychological and physical

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<sup>11</sup> Family Law, "Official Gazette of RS", number 54/02

<sup>12</sup> The Family Law, "Official Gazette of RS", number 54/02, Article 106

<sup>13</sup> The Family Law, Article 107, paragraph 2

<sup>14</sup> The Family Law, Article 101 and 102

<sup>15</sup> The Law on social Protection, Official Gazette of RS, number 5/93,15/96,110/03,33/08

development and whose development is disturbed by family circumstances out of the family, who are educationally ignored and neglected<sup>16</sup>.

Minor without parental care is a person who does not have parents, who is abandoned by parents, whose parents are not in position to give him/her complete care because they are limited in practicing their parental right or they are deprived of it<sup>17</sup>.

The right on a placement in the institute of social protection does have:

1. Child without parental care and child whose development is disturbed by family situation until child are groomed for independent life, returned to family or placed in adoptive family or other family, graduated from regular high school, basically until child becomes capable for independent life<sup>18</sup>.

Home for Children and Youth provides care for children without parental care and children whose development is disturbed by family situation until provided are conditions for child's return to his/her own family or adoptive or other family, actually until child is groomed for independent life.

In the frame of accommodating children as stated in paragraph 1 of this Article, provided shall be health care, education and assistance in education as well as vocational trainings<sup>19</sup>.

7. Strategy for improvement of social protection for children without parental care for period 2009 - 2014<sup>20</sup>

Basic goal of this strategic document is improvement of system models and action of social and family-legal protection of children without parental care.

Strategy, by establishing plan for period 2009-2014:

- Analyzes possibilities for improvement of existing forms of social and family-legal protection of children without parental care,
- Establishes need for accordance of existing laws and bylaws that deal with this issue,
- Points out the necessity for standardizing all forms of protection for children without parental care,
- Obliges on introduction of the appropriate database in this field.

### III CONDITIONS IN CHILDREN'S HOME "NADA VRANJESEVIC" BANJA LUKA

Home is located in Banja Luka, very close to Primary School "Zmaj Jova Jovanovic". It is about 2 kilometers away from city center and it has good traffic communication with center and other parts of town.

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<sup>16</sup> The Law on Social Protection, Article 10

<sup>17</sup> The Law on Social Protection, Article 11

<sup>18</sup> The Law on Social Protection, Article 37

<sup>19</sup> The Law on Social Protection, Article 61

<sup>20</sup> Strategy was adopted by RS Government on September 3<sup>rd</sup>, 2009

Close to Home is Center” Zastiti me”, family doctors ambulance and very frequent highway. Home’s yard that is facing highway is not completely fenced. At the front, entrance to a Home is nicely organized and it is also not fenced. Hallway is also very organized and neat with numerous child works and contents that leave positive impression at first sight. The first contact you have in the Home is with its users because at the entrance there is information desk where children give all information to visitors. The Home premises are suitable for all needs of its users; it has open and closed premises which easily could be adopted to meet all children needs.

The home is organized by the floors. Each family/group of children/ uses 200 square meters of the Home capacity. Facilities of these 200 square meters are: living room, 4 bedrooms, 4 bathrooms, studio, kitchen with bathrooms and dining room, balcony.

Besides these facilities, Home has staff room, internet room, warehouse, nuclear shelter, administrative offices, laundry, kitchen, restaurant, premises for joint activities, library, baby department, ambulance, club/section premises (for example computer, artistic, sculptural), outdoor courts (playground for preschoolers and junior school kids and concrete playground) gym, boiler room.

During the visit, certain floors were in phase of renovation so certain families were moved and/or merged with other families. Besides premises for residing, bathrooms in all family premises were also being renovated.

Department for babies and toddlers up to age of three was completely adapted with window wall between premises and it is equipped with all necessary and baby friendly furniture. This department has plenty of daylight. The only problem with this department is that it does not have direct exit on the street. In cases when children are going out from the Home, they use main entrance and then assistance of other employees is needed to take family out and bring them back.

Taking in account premise capacity, 12 educational groups-families can function in premises that are structurally and organizationally analog to family residence. All occupied premises, in accordance with prescribed standards, are functionally equipped for daily activities, personal hygiene, nourishment and sleep. Most of joinery of Home has been renovated; premises are neat with a lot of daylight but its content (toys, didactical material, children drawings, wall works, daily activity agenda and similar) could be upgraded.

Besides the actual building and premises within it, Home at its disposal has lot of green area. There are two courts, one grass and one concrete, that children can use. However, both courts are ruined and are not used for organized work with children in their leisure time, because there are no structures adapted to children’s age and needs.

Aside from stated structures, children have at their disposal computer center equipped with 15 computers, games, library (counts 7056 pieces), specialized room for group (learning-creative ) work and pedagogue-psychological support to psycho-physical development and improvement, sawing workshop. The computer center, library, specialized rooms-workshops are separate from families, they are under supervision of employees and access to them is possible only with knowledge and supervision of assigned employees.

Visiting room is also separated from the rest of Home, it is not of a big capacity but it suits the intended need. This room is also used for children art workshops.

## 2. CADRE CAPACITY

The Home employees total of 61 employees, 16 male and 45 females. Based on qualification there are 16 with University Diploma, 11 with College Degree, 26 with High School Diploma, 3 vocationally trained and 5 with Primary School Diploma.

Total	Male	Female	University Diploma	College Degree	High School Diploma	Skilled workers/Vocationally trained	Support worker	Non-skilled workers
61	16	45	16	11	26	3		5

There are 22 teachers in total out of which 7 are man and 15 are woman.

Based on Regulation Book on Internal Organization and Systematization number 01-54/00 February 29<sup>th</sup>, 2000, according to the organizational groups, following work positions are prescribed:

- Department for babies and toddlers up to age 3 (nursery) – 5 employees/ nurses
- Department for children age 3 to 5 (kindergarten-younger group) – 2 employees/teacher and nurse
- Department for children age 5 to 7 (kindergarten-older group) – 2 employees/teacher and nurse
- External kindergarten, younger group – 2 employees/teachers and older group – 2 employees/2 teachers
- Department for school kids – 20 employees/teachers.

According to the Regulation Book, for joint services it is prescribed:

Cleaning personnel – 5 employees, laundry personnel – 2 employees, host – 1 employee, night guard – 2 employees, craftsmen – 2 employees, cook – 4 employees, storekeeper – 1 employee, driver - 1 employee, inventory clerk – 1 employee, head accountant – 1 employee, cash keeper– 1 employee, nurse– 1 employee, doctor– 1 employee, social worker– 1 employee, teacher for handicapped – 1 employee, pedagogue – 2 employees, chief of accounting department – 1 employee, secretary– 1 employee, director – 1 employee. The number and structure still is not harmonized with the Regulation Book and new Regulation Book is being drafted currently.

Volunteers are engaged to work in Home through participation in NGO sector programs or based on individual participation through contract with the institute. Program “Older brother-older sister” engages volunteers – students of humanity science and currently



active are 46 students for 46 children. Volunteers have s contract with NGO “Nova generacija” that has signed contract with the Home.

Besides this continuous project, organization “Covjekoljublje” currently engages 18 volunteers – Banja Luka Gymnasium students who work in program of instructing Home children in primary and high school subjects. Number of instructive classes for school year 2010/2011 is 604. Instructive classes, upon agreement, are done for following subjects: math, Serb language, English language, German language, chemistry, and physics. Also preparation classes are held in period march-may for children who are enrolling in primary schools.

Individual annual contracts with Home have 5 volunteers and they are 2 pedagogues, 2 psychologists and one professor of philosophy and sociology that are involved in group work with children.

Certain number of children, in agreement with Centers for Social Work, has contacts with individuals and families who have volunteered for such activities and they represent support to children through various forms – socializing, donations, etc.

One or two teachers work in groups of children-families in shifts, depending on the group.

Advanced training of cadre is done through program of professional training and through group educational programs that are organized by Home or other organizations.

Professional bodies of the Home are: Council of Pedagogues, Preschool Commission, Commission for Primary School children and Commission for High School children.

### 3. CHILDREN COMPOSITION

Table – number of children by age

	Number of children age up to 12 months	Number of children age 1 to 3	Number of children age 3 to 6	Primary school children	High school children	Number of children that graduated high school
Male	1	2	2	29	17	1
Female	4	1	2	21	10	3
Total	5	3	4	50	27	4

It can easily be seen from the above table that 93 children are living in the Home. The highest numbers of children who live in Home are attending primary school/50 and there are 8 children that are under age 3.

Out of total number of children, 41 are girls and 52 are boys.

Number of children in the Home changes based on different grounds, and each year certain number leaves the home after they graduate from High School.

*a) Reasons for placing children in a Home*

According to data of all Centers for Social Work of Republic of Srpska, reasons for placing children in a Home are following:

- domestic violence – 2 children
- without parental care – 32 children
- children development disturbed by family situation -35 children
- educationally ignored and neglected by parents – 21 children
- mother/father not able to care about children – 6 children
- abandoned by parent – 2 children

(Note – in period September/October 2010 there were 98 children living in the Home)

*b) Dynamics –length of stay at Home*

On the average, children stay about 4 years in the Home. There are 9 children who are staying in the Home for ten years. In total, there are 13 children who are of legal age (18 years) and still living in the Home.

According to dynamics in home for year 2010 five young persons have completed high school and are living independently. Based on decision of relevant custodian body, 5 children were eligible for adoption, 8 have returned to their own families, to other institute 1 child was sent and 6 children moved in a foster home.

*c) Pedagogical educational groups*

Children in Home are organized in number of pedagogical – educational groups according to their age, pedagogical-psychological status and individual characteristics.

Pedagogical – educational groups are organized and they function as family, and their number and structure depends of total number of children in the Home, respectful to norms and standards founded for each child.

With children in pedagogical – educational groups works one or two teachers, depending of the age of children in the group, and they are assisted by host of the Home, while nurses work in the nursery and kindergarten.

Teachers work is in close connection with work of pedagogue, psychologist and social worker and its base is team work. Teachers, during 40 hours of working week are dealing not only with children from their own group - family but also with children from other families, actually on the level of entire Home. This happens during the weekends and while on duty (periodically day and night shifts).

Currently, there are 8 pedagogical – educational groups – families which, taking in account total number of children, their age and needs, are meeting conditions for adequate work in the family.

Group – family selection criteria is following:

1. nursery – kindergarten, is one family up to age 6; it consists of nursery – children up to 3 years of age and kindergarten children age 3 to 6.
2. two families of juniors ( up to 5<sup>th</sup> grade of primary school), with both genders, while age difference amongst them is up to 4 years
3. four families of teenagers divided by gender and age (two female families, 2 male families)
4. family for transition to independence – student of the last high school grade ( gender mixed)

There are 12 children up to 6 years of age stay together in pedagogical – educational group nursery and kindergarten and out of this number 4 are kindergarten children.

The Home also accommodates children challenged in development and there are 13 children who have decision on categorization. Eight primary school students attend classes based on special plan and program; four of them are attending regular classes but work on specially adapted plan and program and other four attends classes within Center “Protect me”.

Five high school students living in the Home are challenged in development; three of them attend regular classes but work on adapted plan and program in high schools, while two of them attend classes at Center “Protect me”.

*d) Child protection plan*

Individual protection plan for each child in the Home is made and it undergoes revision after certain time. In the drafting of protection plan and revision of the same involved is Home employee, employee of the competent Center for Social Work and the end user. This approach gives children more active part in drafting plan and program that is being made for them what is really important because by implementing the right on participation children contribute to everything that is in their best interest.

*e) Child education*

Primary school – achievements in school for period 2009/2010

Class	M	F	Total	Great (5)	Very good (4)	Good (3)	Sufficient (2)	Failed (1)
I	2	6	8	-	-	-	-	-
II	1	1	2	1	-	1	-	-
III	4	1	5	1	1	3	-	-
IV	4	3	7	-	3	4	-	-
V	2	2	4	-	2	2	-	-
VI	3	-	3	-	1	1	-	1
VII	2	1	3	-	-	3	-	-

VIII	1	2	3	-	-	2	1	-
IX	5	2	7	1	1	5	-	-
Total	24	18	42	3	8	21	1	1

When comparing average success of children in primary school for year 2009/2010 with 2008/2008, average grade was for 0, 5 higher, in total it was 2, 9. Exemplary behavior had 35 children, good behavior had 3 and 4 had shown satisfactory behavior. Number of absences in this year was in slight increase and teachers at Home justify it with higher number of justified absences made on different bases.

High School - achievements in school for period 2009/2010

Class	M	F	Total	Great (5)	Very good (4)	Good (3)	Sufficient (2)	Failed (1)
I	3	5	8	-	-	4	4	-
II	2	2	4	-	-	3	1	-
III	3	6	9	-	2	7	-	-
IV	-	1	1	-	-	1	-	-
Total	8	14	22	-	2	15	5	-

The Home employees are stating that in selection of High Schools interest in new occupations such as veterinarian assistant, florist, photograph and similar were much higher this school year. Student of graduating classes with quite good success, even one student was allowed to enroll and pass the difference of subject for four year vocational classes. Exemplary behavior had 13 children, good behavior had 3, 2 were satisfactory and one was negative. Certain number of children in primary school is enrolled in classes that are in discrepancy with their actual age. Namely, children got enrolled in school late and now, eventhough they are regular student, they are 2 and 3 years older than their schoolmates.

*f) Children daily activities agenda*

There is daily activity agenda for children, which they are obliged to respect.

Morning activities start at 6.00 and day ends at 22.30 h. Analysis of daily rhythm for school kids confirms that school starts at 7.30 h and second shift starts at 13.00, two hours are dedicated to study and the rest of time is used for various activities and tidying up premises excluding meal time and one hour spent in talking about family.

During the week, Home residents that are in older school classes may go out until 22.00 h and until 23.00 h during the weekend.

Free time they mostly use in creative workshops, living room, hallway that also has some social games (table tennis), playground. Children also do have some free time for themselves during the day and they are free to exercise their religion in that time. During this leisure time, children have, in some measure controlled, access to media (newspaper, TV, internet).

Children birthdays are appropriately celebrated, every child gets birthday cake and a party. Also, Home organizes shows with different themes that are learned through creative workshops.

During school holidays, different types of traveling for children are organized. Twenty younger children were in Italy and this trip was accomplished thanks to RS Syndicate. With the assistance of Public Fund for Child Protection of Republic of Srpska, eleven children that are in primary school went to Kumbor within the project of socialization of children. Based on long-term cooperation with Children's Home "Mladost" Bijela in Montenegro children were exchanged and ten of primary school kids have spent part of their summer holiday on the seaside in the Home "Mladost". Group of five primary school children participated in the Camp organized by FICE of South-East Europe held in Ohrid, Macedonia.

#### 4. GOAL, TASKS, METHODS AND TECHNIQUES OF PEDAGOGICAL-EDUCATIONAL WORK

Basic goal of pedagogical-educational work in a Home is to provide optimal conditions for normal personality development of a child and to teach them independent living skills. Basic task is developing and enhancing child's natural potential. This task is achieved through systematic encouragement and focusing on development based on learning, building skills and habits, forming moral and social traits.

Tasks of pedagogical-educational work are:

- Supervising and encouraging psychological, physical, emotional and social development of children with the goal for children to built positive picture of themselves, strengthening identity and integrity of each child.
- Developing culture of living ( adopting cultural, working and hygienic habits)
- Acquiring and improvement of social skills ( skills of verbal and non-verbal communication, assertiveness,..) with the aim to make it easier for children to start independent life and to integrate easier in the local community
- Organizing leisure time activities.

For completion of given goals and tasks of pedagogical-educational work used are following methods and techniques: individual and group conversations, method of habituation, games, workshops, motivation and stimulation, supervision and indication of positive examples, etc.

##### *a) The rights of children to participate*

The right of children to participate in the Home is realized through home communities. The home has organized home community as a way of students' organization and association that has 82 students divided in 2 groups whose Head is also student elected by community.

There are 11 section groups in the Home; each has about 10 members and they are organized twice a week. About 90 children are involved in sections; some of them are active in more than one section.

##### *b) Cooperation with Centers for Social Work*

Placement of children in the Home is done based on contract concluded between Home and competent Center for Social Work.

Contract is concluded based on decision of the competent Center for Social Work that was passed based on findings and experts opinion on necessity of such placement.

The Home is obliged to inform (twice a year or, if needed, more frequent) competent guardianship bodies about children's health, behavior, school success and other relevant facts relating to their needs and stay at Home.

According to the Centers for Social Work data, for the children staying in the Home guardians are:

- Center for Social Work employee for 73 children
- Relatives are guardians for 16 children
- Municipal Administration employees are guardians for 2 children
- Employees of the Home are guardians for 3 children.

The biggest number of children who are in the Home come from following municipalities: Gradiska (16 children), Prijedor (9 children), Bijeljina (7 children), Derventa (6 children), Banja Luka, Dubica, Samac, Zvornik each have 5 children and Prnjavor and Brod each have 4 children in the Home.

Contact of children with their family, relatives, friends and others (by giving or receiving phone calls, visits) is done based on assessment and consent of the competent Center for Social Work and each contact is recorded. They have stated in the Home that visits paid to children are not regular, and that for certain number of children communication with the family is very rare. Children are visiting family or relatives only when there is possibility for that. Some children, who do not have support from their family, have contacts with contact persons or relatives.

For children who lack some personal data (identification number, health card and similar) Home addresses directly Registrar's Office, school or health institution, depending on which document is missing.

Certain situations require that children are appointed with guardians for special cases in order to take action so certain needs of a child might be satisfied.

## 5. HEALTH PROTECTION

During their stay in the Home, children have full medical care and protection.

Health service team in the Home is consisted of: head nurse, 3 nurses in kindergarten and 5 nurses in the nursery, 2 of the nurses have signed work contract for specified period of time.

Doctor's examinations are done in health centers what is usually very impractical for the employees of the Home because they have to take child to health center, wait for examination, go to pharmacy, etc depending on the case. If more than one child is in a need to visit doctor than that additionally complicates organization of work in the Home and stated activities outside of it.

In Family Doctor's Ambulance during 2010 there were 765 interventions (examination, doctors referrals, medication receipts, counseling services for babies, dressings, injection therapy,...). There were 130 laboratory processing (blood tests, urine tests, nose and throat swabs, etc). Hospitalized were 29 Home users. Regular examinations and dental interventions are done in Medical Office "Simic" that is located close to the Home and Health Center has signed contract with it. For specialists examinations children are taken only on recommendation and referral of competent health institution. All children have been vaccinated in accordance with their age.

Preventive health protection in the Home is employed through:

- General measures for improvement and preservation of children health,
- Systematic growth, development and health follow up and regular baby counseling ,
- Measures of timely prevention and early detections of disorder and disease,
- Health education,
- Maintaining documentation and records
- Professional advancements.

Employees that are engaged on tasks of health protection have stated that beside the fact that Home does not employ a medical doctor there are also other problems:

- children usually do not come with health records and very often come with certain health issues that can not be seen at first,
- taking babies to pediatricians,
- participations fee has to be paid to health centers for children older than 15,
- prescribed therapy for a child has to be paid by the Home.

## 6. NUTRITION

Food requirements of healthy nutrition requires that it satisfies children needs with its quality and quantity, actually that calorie intake must be adjusted to children age, needs, health conditions and similar.

Baby diet has 6 meals a day, while diet for older groups consists of 5 meals daily. Besides two Home employees 2 children are included in choosing the menu.

Food analysis is done by Institute for Health Protection of Republic of Srpska.

There are in total five persons employed in kitchen, chef cook and another 4 cooks who are responsible for children nutrition. We did not get information if there were some complaints made by children on menu and food served in the Home.

Meals used to be served in the Home restaurant, but since premises were renovated and work in Home were organized on family principles, meals are now served in the frame of each family. The food is processed on one spot, Home kitchen and delivered to each family in accordance with the number of its members. This approach certainly gives a new quality

because during the meal time in smaller groups together with their teacher, children will be able to talk about their daily chores and activities outside of Home; it will be easier to see if all children have eaten, do they like what has been served, what would they like for lunch, what sweets they prefer, etc.

#### IV ROUND TABLE

In order to obtain opinions of those who on daily basis are proceeding and deciding on children rights and in accordance with the Family Law and the Law on Social Protection, Ombudsman for Children have organized round table where topic was "Protection of rights of children who are without parental care".

The Round Table was held on April 6<sup>th</sup>, 2011 in Banja Luka and present were:

- representatives of Centers for Social Work Prijedor, Gradiska, Novi Grad, Banja Luka, Celinac, Mrkonjic Grad, Kozarska Dubica and Prnjavor
- representatives of Ministry of Health and Social Protection, representatives of Ministry for Family, Sport and Youth, representatives of Ministry of Education and Culture,
- representatives of Council for Children of RS
- employees of Home "Rada Vranjesevic",
- representatives of primary school which children are attending while in the Home,
- representatives of NGO sector, UNICEF, OSCE.

All statements given by participants of this Round Table can be summarized as it follows:

- in relation to a total number of children without parental care, number of children that are staying in the Home does not raise concern, but effort should be made in making this stay of a improved quality,
- positive legislative do not clearly prescribe procedures and conditions for placing children in such institute what causes lots of problems in the field,
- the Law does not contain provisions on procedure that leads to placement of a child in a Home, nor it prescribes in which cases and under what conditions parental right might be limited,
- Undefined rules and procedures for the consequence have different approach in same situations, some Centers for Social Work appoint guardian to each child placed in Home while other Center state that "parents of children placed in the Home are not deprived of parental right and therefore they are legal representatives of their children so they perform all needed legal acts for children and in a certain cases they do some of these actions by virtue of Centers for Social Work and the Home",
- Placement of children in the Home is not defined in advance as a temporary caring for children, or the length of stay in the Home is defined nor the obligation of



periodical revision of this act what for the result has very long stay of children in the Home,

- The rights, obligations and responsibilities of a child during his/her stay in the Home is not defined,
- The Home does not have Book of House Rules ,
- All are agreeable that foster care is not recognized as it should have been, there are no normative presumptions - standards and procedures for development and strengthening of foster care,
- Certain number of children attends primary school classes that are not meant for their age (children are regular students but they were enrolled late).

## V ANALYSIS

Right of a child to live in family, as a basic right of every child is guaranteed by all international documents. Taking as a start point the role and importance of the family in maturation of each child, institutional care about child is applied as the last alternative, only then when all other possibilities are exhausted and when competent body has decided that staying in the family is not in child's best interest.

Every exclusion of a child from the family, especially in their first years of life jeopardizes his/her emotional and social development. On the other side, no Home, regardless of that how organized and well equipped it might be, can replace natural family and its role in child's development.

Physical separation of a child and parent and placing a child in a Home, even when in best interest of a child, is a repression measure passed by center for social work. This is only and the most difficult measure applied in the best interest of a child.

The Family Law prescribes option of parental right deprivation in cases established by the Law. However, these procedures are very rarely initiated but still children are removed from the family for the unlimited time (children whose development is disturbed by family situation and parents still have full parental right).

The Law on Social Protection is prescribing that minor without parental care is a person who does not have parents, that is abandoned or parents are not able to give full care because they are limited in practicing parental rights or they are deprived of them.

Measures of limiting and depriving a parent of parental rights must be imposed in appropriate procedure.

The most of children in institutionalized accommodation are children whose development is disturbed by family situation (two thirds of children), they are mostly primary school students and there are more boys than girls.

In almost 70% of the cases employees of Center for Social Work are appointed as guardians for children that are accommodated in the Home.

Decision on placing a child in the Home does not contain explanation where it could be seen that all other family law legal measures were timely undertaken (supervision, enhanced supervision, etc) and that those measures in a given period of time did not contribute to child

protection (decision on accommodating child whose parents are not limited or deprived of parental right).

Decision does not give insight if Center for Social Work has examined all other possibilities to provide non-institutionalized child accommodation (staying with relatives, foster care, and adoption) nor it can be seen that this measure is used as last alternative.

Decision on accommodating child in the Home does not contain description of problems in the family. Problems in the family, as stated in decision, can be various (certain health conditions, alcoholism, violence, etc) and each one has its impact on a child. Decision does not state that accommodating of a child in the Home is only temporarily, that it will last for certain period of time or until it is safe for child to go back to its own family, or that child has been accommodated in another family, etc, nor it is stated that such form of accommodating in concrete case and upon assessment of the professional team is the best possible form of protection.

All the above stated would contribute to a more adequate relation of the Home employees with children and a better protection plan for each child. On the other hand child would be spared of any questioning about his/her family situation until he/she is placed in the home. This should shorten stay of children in the Home.

Home makes protection plan for each child which is periodically revised. In drafting of protection plan Center for social work which has sent child to a Home should take a part because Center has complete insight in family situation and reasons for placement of a child in the Home what makes the grounds for drafting individual protection plan. However, according to the information we got from the Home, it is more common that Center is additionally informed about plan and work with a child. There are just a few children that know who are they contact person out of the Home.

The contract signed between Home and Center defines mostly questions of financing these services and enlist legally grounded services that are provided for their users. Contract does not define rights and obligations of parties related to the needs of a child; contact with family and relatives, obligations Home has towards each child who is placed in the Home or who is leaving Home, etc.

When requested by the Home to clarify uncertainties, Center stated: "Parents of children placed in the Home are not deprived of parental right and therefore they are legal representatives of their children and in case when a child is placed in social protection institute some tasks are done by virtue of yours or our institution". What are those tasks, who defines them and in which procedure is left undefined.

Weekly and daily activity plan within the Home family leaves lots of free time and opportunity for them to plan their leisure time as they like.

Analyzing work of children in workshops it is noticed that each workshop or section counts up to 10 children (reciting, music, drama, art, literacy, social games, sport, chess and martial arts sections), they are held twice a week and some children are members of more than one section. However, certain number of children is not involved in any workshop and since there are no other method of their engagement, they organize they leisure time as they like. In the reports it is stated that those workshops were held but the interest of children, their presence, achievements, and success and similar, is not mentioned.

Engagement of children in activities outside of Home mostly relates to their involvement in different sport and other clubs and organizations, but percentage of children that participate in activities out of the Home is very small.

When a child is placed in the Home his/her contact with his/her family must not be interrupted.

Even when children are placed in the institute their contact with the family must be maintained and strengthened, actually for the time of child's stay in the Home Center for social work should work with family in order to create conditions for child return to a family. When that is not possible the alternative is foster family or adoption of a child.

Time that children spend in the Home should be individually prescribed depending on the reasons for accommodating child in a Home and time needed to eliminate all reasons that are delaying child's return.

On the average children stay for about 4 years, but there are children who stay twice as long. Especially worrying is increased number of children up to three years of age who are placed in the institute, some even come directly from the maternity hospitals.

Regulation on Internal Organization and Systematization and number and structure of employees of the Home are not in accordance and, according to statements of responsible persons of the Home, ongoing is drafting of a new Regulation Book on Internal Organization and Systematization which should be in accordance with modern concepts of work and placement of children in the home.

The number of experts working in the Home can hardly meet the needs of each child. This relates to the experts involved in pedagogical-educational work with children. If taken in account is number and structure of children/age, gender, health condition, reasons for accommodation/ it is hard to expect that teachers can meet all demands placed in front of them.

The Home employees emphasize the fact that Home accommodates children who have behavioral disorders and with whom additionally should be worked based on special, individual program or some experts should be engaged by the Home.

The Home also accommodates children whose development is challenged and who need special individual program depending on their age and their needs. However, Home does not employ teacher for challenged children, oligofrenology teacher or some other experts who could meet needs of these children.

Programs of work with children are followed by activity plans but, reports on completion of planned activities are not recorded. Reports should be the base for new plans and they should contribute and initiate development and improvement of work contents.

Difficulties in Home functioning represents the fact that Centers for Social Work payments for children's accommodation are late for a few months.

Stay of a child and services given to them, according to the statements of Home responsible persons, was never put in question because of the above stated centers' or competent municipality negligence.

The Home is the unique institute of this type in Republic of Srpska which, according to the project documentation, has capacity of 200 children. Since these spatial capacities of the Home are not used in full, they could, with certain adaptations, be in function for the needs of children who are not living in the Home.

Taking in account the basic goals of social protection that are accomplished by providing certain services which should remove or decrease or prevent dependence of individual or whole family on social protection services,

Starting with general requirements and principles of UN Convention on Children Right obliging that children without parental care and children in a risk are provided with alternative care that in first place should have child's best interest,

Acting in accordance with the Strategy for Improvement of Social Protection of Children without Parental Care,

It is necessary to:

- control and determine reasons and legal grounds for placing children in the Home, especially children who have parents and whose parental right is not limited nor they have been deprived of it, which measures of family legal protection preceded to placing a child in the Home and which measures are undertaken towards parents for the time child has been placed in the Home,
- establish appropriate database that would record children without parental care/upon legal definition, and especially children in risk/ whose development is challenged by family situation and inadequate parental care,
- decision on placement of a child in the Home must be explained in a way that it makes obvious reasons for placing the child and evidence that this method is in the best interest of a child ,
- contract on accommodating child in the institute must define rights and obligations of all contract parties /the Home and Center for Social Work/ regarding child care and also consequences for unexecuted determined obligations; all appendixes must follow contract starting from child's right to education, health protection, and similar,
- engage a medical doctor permanently employed in some health institution to work in the Home what would definitely contribute to better health protection because children would constantly be under supervision of a doctor and whose primary function would be preventive and when necessary he/she could examine children in the Home. Medication supply, their use, control, alternative medications and similar would be much better organized with doctor on the board,
- new Regulation Book on Internal Organization and Systematization should clearly define qualification structure of employees and their number taking in account number of children in the Home, their age, different reasons that led to their placement in the Home, their needs and Home obligations,
- introduce Home Rules in the institute that apply to all persons working and living in the Home, security rules and protection from socially unacceptable forms of behavior,

- establish Home's database with all relevant data on all persons that are children's contact persons outside of Home and to regulate relation between child, Home, contact person,
- based on plans, especially of educational work with children, Home maintains and records reports on achieved results which would be used as a base for new activity plans and based on which monitored could be reached goals and tasks of educational work with children.

Ombudsman for Children

Nada Grahovac LL.M