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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the thematic questionnaire

BOSNIA AND HERZEGOVINA

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

Replies registered by the Secretariat on 7 March 2018

Prevention

Question 1 Awareness-raising or educational activities/tools/materials/measures

1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

In Bosnia and Herzegovina, there are several different activities / tools / materials for raising awareness or training addressed to children, which relate to the prevention of sexual violence and sexual abuse of children facilitated by ICT. All these activities / tools / materials were result of joint multidisciplinary efforts of institutions with various competence at all levels of government in Bosnia and Herzegovina, the ombudsman office and the non-governmental sector.

Currently, there is no policy document of Bosnia and Herzegovina aimed at preventing and combating sexual violence and child abuse facilitated by ICT. The 2010-2012 Action Plan for the Improvement of the Child Protection System in the Field of Child Pornography and Other Forms of Sexual Exploitation and Abuse of Children Facilitated by Information and Communication Technologies of BiH and the 2014-2015 Action Plan for the Prevention and Protection of Children against Abuse facilitated by Information and Communication Technologies of BiH were in effect earlier.

At present, the 2016-2019 Action Plan for Combating Trafficking in Human Beings of BiH is in effect, where strategic objective D.6 "Improve the Mechanisms for Protecting Children and Preventing Violence against Children Facilitated by Information and Communication Technologies" plans activities to be carried out by the Ministry of Security of BiH and BiH law enforcement agencies.

International Solidarity Forum - EMMAUS (MFS-EMMAUS) administers the website www.sigurnodijete.ba, which aims to raise awareness, primarily of children and parents as well as of teaching staff and other professionals in the field of education. This portal is designed to meet the needs of different target groups: the general public, parents, teenagers up to 18 and children up to 12 years and contains many useful information about the risks they face when they produce and/or share sexually explicit content and other forms of possible exploitation of children and their prevention.

Over the course of many years, MFS-EMMAUS carried out a series of educational workshops for children, parents and teachers throughout BiH in more than 60 schools, with almost 2,500 students and parents, as well as over 300 teachers of elementary and secondary schools, attending them, and continuously works to prevent and raise awareness of the problem of online child abuse. A special website was developed for teaching staff and education specialists www.e-school.sigurnodijete.ba with useful information on forms of abuse and prevention and to be a platform for sharing experiences and advice and joint efforts in this area.

Preventive materials (brochures, leaflets, posters) were created and distributed, and each year activities are organised on the occasion of marking the Safer Internet Day, which seeks to draw attention of children and the general public to the risks of using information and communication technologies.

Furthermore, through the membership of INHOPE - the worldwide organization of hotlines for reporting inappropriate content on the Internet, MFS-EMMAUS has provided Bosnia and Herzegovina with the exchange of information and adequate prevention of child pornography and paedophilia between BiH and other countries with this issue and thereby with exchange of experiences and good practices. Becoming a member of the ECPAT network - a global network of civil society organizations committed to combating the sexual exploitation of children and other forms of abuse – is a significant progress in this area.

Within the "A Comprehensive Approach to Addressing the Problem of Child Pornography in BiH" project, MFS Emmaus NGO and „United Women - Udružene žene“ NGO of Banja Luka organised educational workshops for children, parents and teachers in elementary and secondary schools throughout Bosnia and Herzegovina. Educational workshops were held in more than 45 schools, with over 1,700 students and parents present, as well as over 230 teachers of elementary and secondary schools attending them. The workshops were held in cooperation with the Federation Police Administration (FMUP), the State Investigation and Protection Agency (SIPA) and the partner organization of the „United Women“ of Banja Luka. In order to raise the awareness of children, parents and teachers about online child abuse facilitated by information and communication technologies, MFS-EMMAUS organised educational workshops for children, parents and teachers in elementary and secondary schools throughout Bosnia and Herzegovina on "Surf Safe".

In 2013, the "Novi put" NGO of Mostar conducted a very important campaign called "STOP Child Pornography and Paedophilia". It included a mini campaign to prevent and raise awareness among the risk categories of children, their parents, teachers, as well as the general public about the dangers and possible abuse of information and communication technologies for the purpose of exploiting children and child pornography in general. During the mini campaign, the representatives of the "Novi put" NGO visited 10 primary schools in Herzegovina-Neretva Canton. On that occasion, promotional materials were distributed to children and teaching staff who were designed and printed for the purpose of this project. Representatives of all schools expressed a desire and a need to distribute material among their students, given the increasing frequency of abuse of children facilitated by information technology. During the implementation of the project, the "Novi put" NGO organised 8 interactive educational workshops for children at risky age from 12 to 15, teaching staff and pedagogues in primary schools, homes for uncared-for children in Herzegovina-Neretva Canton in order to raise awareness about the issue in BiH and prevent it from occurring.

<http://www.noviputbih.org/index.php/en/component/k2/item/363-trnovo-muskarac-nagovarao-djevojcicu-da-skine-donji-ves.html?Itemid=493>

Since 2012, the Ombudsman Institution for Human Rights of Bosnia and Herzegovina has educated children about their rights enshrined in the UN Convention on the Rights of the Child through project activity „The Ombudsman in Your School“ implemented in primary and secondary schools in the Federation of Bosnia and Herzegovina and the Republika Srpska. During these visits, they have been discussing with the children the issue of sexually explicit images and videos, the consequences of their creation and publication. Children are informed about the possibility of reporting violations of their rights to the Ombudsman of BiH, as well as other competent authorities.

The Ombudsperson Institution for Children of the Republika Srpska has also organised a series of activities related to the protection of children from sexual violence and sexual abuse. In November 2010, a round table was organised on "How to Protect Children on the Internet". The event was attended by university professors, primary and secondary school IT teachers, secondary school students, representatives of the Centre for Social Work and the Ministry of Internal Affairs of the RS, the Ministry of Education and Culture of the RS, the Ministry of Family, Youth and Sports of the RS.

In 2011, „the Children on the Internet“ campaign was conducted by the Ombudsperson Institution for Children of the Republika Srpska. During this campaign, a series of activities were organised and the campaign was launched by marking the Safe Internet Day under the motto "It's More Than a Game, it's Your Life", and then the website www.djecanainternetu.org was promoted. The content of the portal is set up so that a visitor can quickly and easily find information that is adapted to the age groups of children (early, middle and late childhood), parents and school. In addition to the information there is also the so-called communicative content of "A Brave Inbox" and "Survey". Through the Brave Box, every child as well as an adult can use the portal anonymously to ask for help, report unpleasant situations and suggest an activity.

In the period 2013-2016, the Ombudsperson for Children of the Republika Srpska organised 106 workshops on "Do we know what violence is?" with the aim of recognizing all types of violence, including cyber violence. In these workshops, students of higher grades of primary schools, as well as a number of teaching staff, professional associates of the school, as well as representatives of parents' councils participated. The aim of the workshops was: educating children about the advantages and risks of the Internet, identifying the elements of cyber violence and responding to these situations, responsible and ethical use of the Internet, getting to know page www.djecanainternetu.org, encouraging conversation and reporting of all harassment or bullying cases. Special workshops were also organised for secondary school students.

As a follow-up on a recommendation of the Ombudsperson for Children of the RS, in school year 2014-2015, the Ministry of Education and Culture of the Republika Srpska and the RS Pedagogical Institute introduced the topic of violence against children in the Primary School Curriculum from 2nd to the 9th grade to be taught at homeroom classes. Thus, the programs for the prevention of violence against children have become an integral part of the Primary School Curriculum.

On 1 December 2010, the BiH Communications Regulatory Agency (RAK/CRS) presented a TV and radio spot called "Where is Buco", which launched a campaign aimed at promoting media literacy and protecting children and juveniles from potentially harmful content on the Internet. The spot, which was taken over from the German regulator and adapted to the public in Bosnia and Herzegovina, points to the potential hazards for children and juveniles on the Internet, such as violence and pornographic content, and contacts with paedophiles and radical groups. This spot is broadcast in 14 European countries. The campaign was supported by more than 90 RTV stations and audio-visual media service providers throughout Bosnia and Herzegovina that accepted to broadcast the TV or radio spot in their program at no cost. Since then, the spot has been included on the homepage of the official CRA website www.rak.ba, and it can also be viewed on you tube <https://www.youtube.com/watch?v=3vDG1sxtPxo>.

Save the Children Office in the North-West Balkans works to prevent sexual abuse and exploitation facilitated by ICT through a comprehensive approach to raising awareness of children and parents. A public awareness campaign that was conducted in 2017 created a set of materials that address various forms of violence through ICT, including video clips with messages of popular young you Tubers, flyers and posters. Through publications on social media and featuring / interviews in traditional media (press, TV, radio), the campaign reached at least 500,000 people in Bosnia and Herzegovina (in addition to BiH the campaign was conducted in Serbia). In addition, through the campaign, direct contact with children was achieved through public presentations, debates and discussions on the topic of violence facilitated by ICT.

In the Republika Srpska, in cooperation with the Ministry of Internal Affairs of the Republika Srpska, lectures are organised for pupils of elementary and secondary schools of the Republika Srpska on "Training of Children and Adults about the Dangers that Lurk on the Internet". The goal of these and similar lectures is the preventive protection of the youngest Internet users, getting to know the potential dangers that lurk on the Internet and the like. Students are informed about how to protect against possible violence facilitated by the Internet, using social networks or using mobile phones.

Every year, the Brcko District Police mark the "Safer Internet Day" hold courses of training by police officers and officers of the Criminal Police Unit, and brochures are distributed in order to raise awareness and training about the safe use of the Internet. Similar education is carried out by the Federation Ministry of Internal Affairs.

In 2016, the Federation Ministry of Education and Science issued a letter of support for the UNICEF project proposal in BiH, which deals with the prevention of sexual exploitation and abuse of children facilitated by the Internet (SEA). The project is aimed at raising the awareness of children, parents and teachers, including pre-school education staff, on the safe use of information and communication technologies and the capacity building of teaching staff in general. It is planned that the realization of all activities will be focused on developing programs for teaching on online safety, teacher training and program implementation in a certain number of cantons in FBiH, as well as programs for activities to be carried out with parents and children, and it is planned to develop a manual for preschool teachers for working with children of pre-school age on SEA. It is envisaged that these project activities are carried out in educational institutions in the Federation of BiH.

- 1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

All activities / tools / materials / measures listed in the answer 1.1. are appropriate and apply to children who are bystanders/observers of other children producing and/or sharing the aforesaid content on the Internet.

- 1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?

All activities / tools / materials / measures listed in the answer 1.1. also apply to parents and persons who have regular contact with children (teachers, psychologists, health care professionals etc.).

In addition to children, the campaign of Save the Children was directed to the parents and a special video clip, https://www.youtube.com/watch?v=tUqbLM_pCrA&t=2s, and a leaflet, <https://www.dropbox.com/s/0k1b2uza8m6h9hr/infografika-roditelji-BHS.jpg?dl=0>, were made.

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

The above-mentioned activities are implemented by the state institutions and the non-governmental sector as partners and they are: the Ministry of Security of BiH / Department for Combating Trafficking in Human Beings, the Ministry of Human Rights and Refugees BiH, the Ministry of Communications and Transport of BiH, the Ombudsman for Human Rights of Bosnia and Herzegovina, the Ombudsman for Children of the Republika Srpska, the Communications Regulatory Agency of Bosnia and Herzegovina (RAK/CRS), the Ministries of Internal Affairs, the Ministries of Education and Pedagogical Institutes, educational institutions, centres for social work, Save the Children Office in North West Balkans, MFS-EMMAUS NGO, "Novi put" NGO of Banja Luka and numerous other non-governmental organizations.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

- www.djecanainternetu.org
- www.sigurnodijete.ba
- <http://www.sigurnodijete.ba/bs/vijesti/promotivni-materijali>
- www.e-school.sigurnodijete.ba
- <https://www.youtube.com/watch?v=p9mHYUYXgLk&t=4s>
- https://scontent-vie1-1.xx.fbcdn.net/v/t1.0-9/19366396_960898154051683_520617712739010005_n.jpg?oh=d5f31e7df966c2f3ece10ecae173f9aa&oe=59EC57C7
- <https://youtu.be/a2Xa7BEs91o>
- https://www.youtube.com/watch?v=tUqbLM_pCrA&t=2s
- <https://www.dropbox.com/s/0k1b2uza8m6h9hr/infografika-roditelji-BHS.jpg?dl=0>
- <http://education.muprs.org/edukacija-djece-o-plavom-kitu/>
- <http://education.muprs.org/nastavak-edukacija-djece-o-aplikaciji-plavi-kit/>
- <http://education.muprs.org/nastavak-edukacije-o-plavom-kitu/>
- <https://www.youtube.com/watch?v=ftIH30Xi0Zc>
- <https://www.youtube.com/watch?v=AiHmovEQCRA>
- <https://www.youtube.com/watch?v=jaXSiUQfFs>
- <https://www.youtube.com/watch?v=WtGZOujmJTY>
- <https://www.youtube.com/watch?v=P4Mm16Kolas>
- <https://www.youtube.com/watch?v=Ly-FY6T-u44>

- <https://www.youtube.com/watch?v=3vDG1sxtPxo>
- www.djeca.rs.ba
- <http://www.djeca.rs.ba/index.php?lang=1>
- <http://www.djeca.rs.ba/uploaded/izvinternet.pdf>
- <http://www.djeca.rs.ba/uploaded/CRONSEESTav.pdf>
- http://www.djeca.rs.ba/uploaded/DJECA_NA_INTERNETU%20za%20sajt_1.pdf

Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

State institutions of all levels of government in Bosnia and Herzegovina continuously support as partners preventive activities carried out by the civil sector and international organizations in BiH. This is primarily reflected in approving these activities and active participation in these activities.

In 2009, the Ministry of Security of BiH in partnership with Save the Children organised a seminar for NGOs on preventive work in the field of combating child pornography and other forms of internet violence attended by more than 20 different NGOs. The seminar also included a session on the management of the Safe Internet Centre, which was hosted by Georgi Apostolov, on behalf of the ARC fund, which runs such a centre in Bulgaria, and is also a member of the InHOPE network of hotline providers. The aim of the seminar was to introduce civil society representatives to the concepts of preventive work with children for the protection against internet violence and prevention and reporting mechanisms. After the seminar, a competition for the NGO sector was announced in order to select an NGO partner on the project, which would be run by the Centre for Safe Internet BiH, that would become a member of the InHOPE network, while the remaining candidates would strengthen themselves to raise awareness of this phenomenon. In addition, Save the Children actively worked on strengthening the MFS Emmus partner to establish the Safe Internet Centre, and in all the training it organised it included employees of this organization and organised two study visits: a visit to the Safe Internet Centre in Bulgaria run by the ARC Fund, and a visits to the Safe Internet Centre in Poland run by Nobody's Children Foundation and NASK (Research and Academic Computer Network).

Under motto "Surf the Internet safely and smartly", the Ministry of Communications and Transport of Bosnia and Herzegovina, in cooperation with the Swiss Embassy in Bosnia and Herzegovina and the International Forum of Solidarity – EMMAUS, designed "Stories from the Internet" publication. In a picturesque way, as a comic book, the publication shows the situations which children and young people, especially of risk groups, can come into with an unthoughtful and reckless use of the Internet and other information and communication technologies. The publication was originally designed for young people in Switzerland, and its concept, illustrations and texts are signed by the Federal Office for Communications of the Government of Switzerland. After this approach to training of children, young people, parents and teachers on the smart use of the Internet had proved successful, joint efforts were made to adapt the brochure "Stories from the Internet" for use in BiH.

In 2016, through the allocation of part of the revenues generated from fees for the organization of games of chance, the Federation Ministry of Education and Science funded programs and projects of non-governmental organizations from the Federation of BiH in the field of "Protection of the rights of children who are victims of abuse, paedophilia, begging". In 2017, projects of strengthening the

capacity of educational institutions for the prevention of abuse and exploitation of children facilitated by information and communication technologies were supported ("Humanitarian Organization of International Solidarity Forum - EMMAUS", Dobož Istok); Strengthening the social response in the approach to work with children victims of abuse, neglect and exploitation ("Sensus" Centre for Psychological Assistance, Mostar); Protection of the rights of children victims of abuse, paedophilia and begging in Herzegovina -Neretva Canton, West Herzegovina Canton and Sarajevo Canton ("Novi put" Association, Mostar) and others.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;
- b. self-generated sexual content?

In addition to the preventive activities listed in answer 1, the following activities of Save the Children should also be mentioned.

In 2016, Save the Children conducted a survey titled "Behaviour and habits of children on the Internet: attitudes of children, parents and IT teachers"

(<https://nwb.savethechildren.net/sites/nwb.savethechildren.net/files/library/lzvjestaj-ponasanje-djece-na-internetu.pdf>) which pointed out the ways and purpose of using the Internet, the risks and dangers facing children, the lack of parental control and ways to protect against internet violence. The general aim of this research is to describe the behaviour and habits of children on the Internet and to discover the challenges for their safety, in order to contribute to the creation of social programs for protecting children from the risk of becoming victims or perpetrators of socially unacceptable behaviour.

Save the Children also made an Analysis in the field of combating sexual violence and other forms of child abuse on the Internet in BiH in 2016 (<https://nwb.savethechildren.net/sites/nwb.savethechildren.net/files/library/Analiza-nasilje-na-internetu.pdf>). The purpose of this document is to evaluate the existing structure, mechanisms and shortcomings in the system and obstacles in the implementation of BiH strategic guidelines in order to improve inter-sectoral cooperation and cooperation among actors in the sphere of child protection and strengthening the system for combating sexual violence and other forms of child abuse on the Internet. The analysis has shown that an adequate response of relevant institutions, governmental and non-governmental and private alike, is necessary. Adequately equipped institutions with a mandate to work in this area, with the appropriate number and expertise of the staff, should provide support to professionals on the ground and in specific cases.

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

The curricula of elementary and secondary schools in Bosnia and Herzegovina are designed to raise awareness of violence against children, as well as about the risks involved in the production and publication of sexually explicit images and videos. These activities are carried out at homeroom classes within teaching topic *Prevention of Violence*.

Article 10(4) of the Law on Primary Upbringing and Education of the Republika Srpska¹ provides that "the school shall provide effective mechanisms for protection against violence, abuse, neglect and discrimination and any kind of harassment in accordance with the Protocol on Acting in Case of Violence, Abuse or Neglect of Children". Article 79(1) determines that, among other things, abuse of mobile phones in classes and recording of video clips in school and their distribution is a serious violation of duties of a student.

Article 6(2) of the Law on Secondary Education and Upbringing of the Republika Srpska² provides that: "School, parents, pupils and local self-government units promote and implement programs of joint and organised action and cooperation in combating abuse and exploitation of children and young people, trafficking in human beings, the fight against drugs, alcoholism, smoking and other toxicology, juvenile delinquency, and all other phenomena that endanger the health and life of students." Article 65 defines "recording of video clips in school and their distribution" as one of the serious violations of student's responsibilities. Article 99 of the Law provides, inter alia, that the principal "shall undertake measures to protect the rights of students and shall immediately inform the competent social protection service about any violation of these rights, especially about any form of violence against a student".

In the Republika Srpska, appropriate institutions have established cooperation in order to protect children from all forms of violence and neglect, including sexual exploitation and sexual abuse. Thus, in November 2008, the ministers of education and culture, health and social protection and internal affairs signed a Protocol on Acting in Case of Peer Violence among Children and Youth in the Educational System of the Republika Srpska. The protocol does not describe violence facilitated by the Internet, but psychological, social or sexual violence is clearly defined, so it can be recognised even when this violence occurs facilitated by information and communication technologies.

In the Republika Srpska, in November 2012, the ministers of education and culture, health and social protection, internal affairs and family, youth and sports signed a Protocol on Acting in Case of Violence, Abuse or Neglect of Children. In addition to other types of violence, the Protocol has also recognised violence facilitated by the Internet - "Violence facilitated by information and communication technologies (cyber violence) includes any form of messaging, email, SMS, MMS, web pages and chatting, aiming at harassment of or causing any other harm to a child - offensive and threatening messages, inappropriate messages, disclosing of personal and family data, false representation and identity fraud, sending photos that offend child's dignity, hate-mongering, exploiting children for child pornography, recruiting children for prostitution etc."

In 2016 Save the Children mapped the valid IT education curricula in Tuzla Canton and, based on the results of the research, the age-adjusted curriculum for primary and secondary schools was developed in cooperation with the Advisory Committee (the TC Ministry of Education, Science, Culture and Sports, the TC Ministry of Internal Affairs, and the TC Pedagogical Institute). Ten (10) teachers from ten (10) schools from the Canton area underwent train the trainer program and, then, trained 300 teachers from pilot schools who should apply the curriculum. The curriculum was piloted for 6199 children in selected schools in Tuzla Canton, with a research on the usefulness of programs conducted among children and teachers. The research showed that such a curriculum is very necessary. The curriculum was also presented to other schools in Tuzla Canton and its replication is expected throughout the Canton and the same model will be promoted in the future in other administrative units of BiH.

¹ RS Official Gazette, 44/17

² RS Official Gazette, 74/08, 106/09, 104/11, 33/14

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Curricula at the Pedagogical Faculty of the University of Sarajevo do not deal with the specific forms of violence mentioned above, but contain parts relating to peer violence, including sexual violence facilitated by ICT. Individual courses (pedagogical-psychological and didactic-methodical groups) have contents related to prevention of violence, identifying of victims and abusers, treatment of victims and abusers with an emphasis on the work of teachers, pedagogues and parents in school and the importance of their joint cooperation. Sexual violence, as a form of violence, is given less attention than physical and verbal violence is, but it is dealt with in detail in the context of violence on social networks, with the overall emphasis on preventing violence and training of students.

In the first cycle of studies at the Law Faculty of the University of Sarajevo, this topic is addressed in several teaching disciplines, such as family law, criminal law and victimology, while in the second cycle of studies an entire program is dedicated to juvenile delinquency.

At the Faculty of Criminalistics, Criminology and Security Studies of the University of Sarajevo the matter is included in the curricula of all three study cycles within the following courses: "Victimology", "Sociology", "Criminology 1 - Introduction", "Criminology 2 - Theory" and "Criminalistics 6 - Methodologies".

The University of Istocno Sarajevo provides training and education for students who will work with children, i.e. who will become teachers and educators. Curricula of particular faculties include training of teachers and educators in the field of child protection against sexual exploitation and abuse, especially those facilitated by ICT, which, inter alia, relate to certain self-generated sexually explicit images and/or videos and sexual content.

At the Faculty of Law and the Pedagogical Faculty of the University of **Bihac**, the thematic units dealing with the protection of children from sexual exploitation and abuse are covered within the curricula.

At the Faculty of Law, studying the required courses in Criminal Law, which includes Juvenile Law, includes studying the measures to prevent sexual violence, the protection of children victims and the prosecution of perpetrators and then the negative influence of the media on the lives of children is studied at the Legal Clinic for the Media. Within the Legal Clinic, experts from the Ministry of Internal Affairs, Centres for Social Work and representatives of the non-governmental sector are invited to exchange examples from practice.

At the Pedagogical Faculty of the University of Bihac, the required courses in Philosophy of Education, Sociology of Education and Education for Media, where future teachers and educators can realise the significance and dangers of the contemporary trends of socialization of children, sexual violence facilitated by the Internet, the negative influence of the media on children and study examples of good and bad practices from children's magazines and they are encouraged to write major papers in this field.

At the University of Mostar, this matter is addressed in several programmes and teaching disciplines.

At the undergraduate study (first cycle) of the Law Faculty of the University of Mostar, this matter is addressed in several teaching disciplines, such as Criminal Law I and II, and Criminology with Penology (second cycle). The Law Faculty of the University of Mostar also cooperates with the non-governmental sector through training and continuing education programs, so child protection and child rights are studied within the Legal Clinic of Justice for Children. Additional education on this issue is also conducted through organization and participation in public lectures on awareness raising on cyberbullying, where lecturers are professors of the Law Faculty.

At the undergraduate study of Criminalistics and Security Management, the matter is also studied in several courses: Criminal Law I and II, Criminology, Victimology, Penology, Crimes of Violence and Cyber Crime. The postgraduate doctoral study deals with the matter in the courses of Criminal Law and Criminology.

In the Social Work programme of the Faculty of Philosophy, this matter is dealt with in different ways in various courses, such as: The Media and Protection of Juveniles, Protection of Children against Domestic Violence, Social Protection of Children, Violence against Children and Youth and Peer Violence.

At the Faculty of Natural Sciences and Mathematics, some courses in the curricula contain topics that are studied in the programmes with the goal of educating students about protection against sexual abuse, recognizing this violence and protecting them in different situations. Thus, this topic is addressed in the courses of the Methodology of Physical and Health Culture, Introduction to Childhood and Adolescent Psychology, Family and Rehabilitation, Partnership of the Family and Educational Institutions and Advisory and Therapeutic Work with Children.

Every year the Federation Ministry of Education and Science implements the "Support to Professional Development and Lifelong Learning of Teaching Staff in Pre-School, Primary and Secondary Education" program. It includes support to public pre-school institutions, public primary and secondary schools, institutes, educational organizations, educational institutions, cantonal ministries of education and non-governmental organizations, which implement the program of professional development of teaching staff.

In the Republika Srpska, the programs of permanent professional training of police officers are carried out by the Ministry of Internal Affairs of the Republika Srpska. The following links provide information about these courses of training:

<http://education.muprs.org/seminar-rad-policije-sa-maloljetnicima-5/>

<http://education.muprs.org/seminar-rad-policije-s-maloljetnicima/>

Continuous training programs are continuously implemented for all police officers by the Ministry of Internal Affairs of the FBiH and the Police of the **Brčko** District of BiH. In this way, the direct action of police officers who are in contact with risky categories of children and juveniles so that they can act promptly and properly if they face in their work cases of sexual exploitation and sexual abuse of children facilitated by information and communication technologies.

Further, in co-operation with the Ministry of Security of BiH and Save the Children, training of trainers in the field of violence against children facilitated by information and communication technologies is under way. Upon completion of the training, the training of police officers in police administrations will take place in accordance with the curricula of the ministries of internal affairs.

In June 2017, the BiH Directorate for Coordination of Police Bodies held training on the use of the Interpol database of images and video materials of sexual exploitation of children (ICSE DB - International Child Sexual Exploitation Image Database). The lecturers were officers of the General Secretariat of Interpol, and the attendants were officials of the local police agencies: the Ministry of Internal Affairs of the Federation of BiH, the Ministry of Internal Affairs of the Republika Srpska and the Police of the Brcko District of BiH. The training was conducted in an interactive way where the participants actively participated and exchanged with each other and with their lecturers their experiences in the work. The sequence of lectures / presentations and the practical part of the training were organised depending on the knowledge and needs of the students.

ICSE DB is available to Interpol Member States through a protected global police communications system I-24/7. Investigators from 50 Interpol and Europol countries currently have access to it. Access is granted to the investigators after successfully conducted training. According to the Interpol data, more than 10,000 victims have been identified as the result of using this database, and more than 5,300 perpetrators have been arrested. In 2016, an average of 5 children were identified each day. The investigators from all countries that have access to the database communicate directly with each other through the Forum on the ICSE DB or e-mail within the database and directly cooperate. The use of the database is very useful, among other things, in order to avoid duplication of the investigation. If there is a need for verification in a country that does not have access to the ICSE DB database, communication is established through the NCB or via the ICSE DB through the General Secretariat of Interpol.

Question 5. Research

- 5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?

So far, there has been no specific research in Bosnia and Herzegovina related to self-generated sexually explicit images or videos or self-generated sexual content.

It is important, however, to mention that, in the period from 2011 to 2013, the Ombudsman for Children of the Republika Srpska, in cooperation with government institutions and NGOs, carried out a research into "Exploitation of Children on the Internet in the Republika Srpska" and a research into "Sexual Exploitation of Children in the Republika Srpska". The findings are available on the website of the Ombudsman for Children (www.djeca.rs.ba).

<http://www.djeca.rs.ba/uploaded/Seeksp.pdf>

<http://www.djeca.rs.ba/uploaded/sexexplengl.pdf> (English)

<http://www.djeca.rs.ba/uploaded/posizvinternet.pdf>

<http://www.djeca.rs.ba/uploaded/IKT%20EN.pdf> (English)

- 5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:
- a. self-generated sexually explicit images and/or videos as children have been shared online?
 - b. self-generated sexual content as children has been shared online?

See answer 5.1.

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

Protection

Question 6. Assistance to victims

- 6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:
- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
 - b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

Specific mechanisms for reporting of violence are: filing of criminal reports to the competent institutions by the victim directly, that is, by the parent or guardian and knowledge / notification of other competent authorities, institutions or natural persons. Reporting of violence in Bosnia and Herzegovina is possible in several ways: Police - 122, via www.sigurnodijete.ba website, hotlines (No. 1265 for the Federation of Bosnia and Herzegovina and 1264 for the Republika Srpska), Blue phone 080 05 003 05, addressing The Ombudsman for Human Rights of Bosnia and Herzegovina and the Ombudsman for Children of the RS.

In the period 2009-2013, the MFS-EMMAUS NGO, in cooperation with the Ministry of Security of BiH / Department for Combating Trafficking in Human Beings, Save the Children and OAK Foundation implemented „A Comprehensive Approach to Solving Child Pornography in BiH" Project. The main activities of the project were: the establishment of an online hotline for reporting abuse cases, establishing and managing a web site www.sigurnodijete.ba for children and teenagers, parents and teachers. Familiarization of these groups with useful information about forms of abuse and prevention possibilities, as well as educational workshops for children, parents and teaching staff in schools throughout BiH as well as continuous prevention and raising awareness about the problem of child pornography and paedophilia in BiH and abuse of children facilitated by information and communication technologies in general. All activities of this project were carried out in cooperation and with the support of the Ministry of Security of BiH / Department for Combating Trafficking in Human Beings, i.e. competent law enforcement agencies, ministries of education and educational and pedagogical institutes. As a result of the selfless dedication and persistent efforts of EMMAUSA to protect children from all forms of abuse facilitated by information and communication technologies and excellent cooperation with the relevant institutions in this field, the Ministry of Security of BiH / Department for Combating Trafficking in Human Beings and law enforcement agencies make recommendations for inclusion of MFS-EMMAUS in the European Commission's Safe Internet Program.

On the initiative of the Ombudsman for Children of Republika Srpska, on 20 November 2012, a Protocol on Acting in Case of Violence, Abuse or Neglect of Children³ was signed and it:

- establishes binding standards of acting by all authorities in case of reporting or knowing about violence against children, including sexual violence and violence facilitated by the Internet,
- obliges the competent services and institutions to have continuous cooperation and coordination,
- sets an obligation to keep appropriate records of all cases, including records of sexual violence and violence facilitated by the Internet,
- sets an obligation to prepare an annual report on various forms of violence, abuse and / or neglect of children.

On the recommendation of the Ombudsman for Children of the RS⁴ to take necessary measures to establish a child protection centre in the Republika Srpska, the Children Support Centre was established in Foca. This centre was established to support and help children with different traumatic experiences in order to provide multidisciplinary treatment and diagnosis of problems of each child, plan the best possible treatment and enable individual treatment according to the needs of the child.

The Republika Srpska Ombudsman for Children cooperates with NGOs and other civil society representatives on training, prevention and treatment of cases of all types of violence, including sexual violence and violence facilitated by the Internet.

In the Republika Srpska, the centres and / or services for social and child protection provide psychological support to victims from the moment of reporting violence, taking statements, participating in court proceedings and providing psychological assistance and support to the victim and his/her family. The canthers and / or services for social and child protection in the Republika Srpska are available to citizens and children 24 hours a day, such as: official telephones, electronic address, professional associates, police phones etc. In such cases, depending on the established factual situation, actions are taken in accordance with positive legal acts and in cooperation with the competent protection entities (police, schools, health and educational institutions) and, in accordance with the competences of the centres / services, a comprehensive individual plan of protection, support, care and custody of the victim child is developed. In addition to regular assistance, support and psychological assistance to victims during working hours in centres / services, some centres / services have set up a system for reporting children's exposure to inappropriate Internet (sexually explicit images, videos or content) through a 24-hour telephone line and professionals of the centres / services on stand-by.

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

³ Recommendation by the Ombudsman for Children for adoption of the Protocol on Acting in Case of Violence, Abuse or Neglect of Children (Ministry of Education and Culture, Ministry of Youth and Sports, Ministry of Health and Social Protection and Ministry of Internal Affairs).

⁴ Recommendation by the Ministry of Health and Social Protection No.1335-21-PŽS-27/15 dated 13 October 2015.

Through www.sigurnodijete.ba, MFS-EMMAUS manages the hotline for reporting cases of abuse and exploitation of children facilitated by ICT and other inappropriate content at ICT. Through this hotline, MFS-EMMAUS received over 660 reports of sexual abuse of children facilitated by ICT, use of children for generating pornographic material, identity, images and personal data thefts, and cyberbullying activities (online child abuse), grooming (false communication with a child by a stranger and a gradual preparation of the child for abuse), sexting (exchanging of sexually explicit images and inappropriate messages) and similar actions.

All the three Laws on the Protection and Treatment of Juveniles in Criminal Proceedings and the Law on Social Protection provide for psychological and social worker's support in the course of criminal proceedings.

In the Republika Srpska, special legislative and other measures to assist victims of violence are implemented through:

- ratified international conventions and other acts in the area (providing protection to children victims of all forms of violence, including sexual exploitation and abuse), such as the UN Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the Convention on the Protection of Children against Sexual Exploitation and Abuse, the European Convention on Human Rights and Fundamental Freedoms, the Universal Declaration of Human Rights and others,
- in order to provide adequate protection of the rights and interests of the child, domestic regulations, laws and bylaws prescribing the protection of children victims of all forms of violence, including sexual exploitation and abuse, such as: the Republika Srpska Criminal Code⁵, the Law on Social Protection⁶, the Family Law⁷, the Law on Protection against Domestic Violence⁸ and the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings⁹,
- the valid protocols: the Protocol on Acting in Case of Violence, Abuse or Neglect of Children¹⁰ and the Protocol on Acting in Case of Peer Violence among Children and Youth in the Educational System of the Republika Srpska, signed by all relevant institutions (canters for social work, police, primary and secondary schools, health canters, courts and prosecutor's offices).

In the Republika Srpska, all authorities, organizations and individuals are obliged to notify the police and the social protection service without delay of the violation of rights of the child, especially when it comes to violence, abuse, sexual abuse and neglect of the child. Upon receipt of the notification, the centres / services are obliged to immediately investigate the case in cooperation with the police and other entities and take measures to protect the rights of the child.

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

The key, above listed, BiH institutions cooperate with the non-governmental sector in accordance with current strategic documents, laws, by-laws and protocols on cooperation.

⁵ RS Official Gazette, 64/17

⁶ RS Official Gazette, 37/12, 90/16

⁷ RS Official Gazette, 54/02, 41/08, 64/14

⁸ RS Official Gazette, 102/12, 108/13, 82/15

⁹ RS Official Gazette, 13/10, 61/13

¹⁰ RS Official Gazette, 82/13

Since 2016, the Brčko District of BiH has had a Working Group on Child Safety of the Brčko District of BiH, which is constituted as a team of professionals (intersectoral cooperation) in the sectors: education, social protection, health, justice, police and NGOs. The 2017-2020 Action Plan of the Working Group includes also support to children for the purpose of psychosocial and physical recovery and the establishment of a hotline for counselling services.

Prosecution

Question 8. Legislation

- 8.1. Does national law contain any reference to:
- self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

Criminal offenses involving child pornography in Bosnia and Herzegovina are governed by the Entity Criminal Codes and the Criminal Code of the Brčko District of BiH. The BiH legislative framework on the protection of children against sexual exploitation and sexual abuse is still not fully harmonised with the Lanzarote Convention. These acts are criminalised in the FBiH Criminal Code (Articles 189, 211 and 212)¹¹, the Republika Srpska Criminal Code (Articles 199 and 200 – this Code was repealed by a new code)¹² and the Brcko District of BiH Criminal Code (Articles 186, 208 and 209)¹³. These codes and cited articles are cited in the answers to the questionnaire of the 1st monitoring round of the Lanzarote Convention (General Framework and Sexual Abuse of Children in the Circle of Trust).

Recently, the new Criminal Code of the Republika Srpska was passed¹⁴ and came into force on 18 July 2017. The new Criminal Code of the Republika Srpska has incorporated numerous international standards, including inter alia standards established by the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The Code contains a separate chapter (Chapter XV) entitled "Offenses of Sexual Abuse and Exploitation of a Child". This Code implemented the recommendation of the Ombudsman for Children of the Republika Srpska to establish a register of perpetrators of criminal offenses of sexual abuse of children.¹⁵

The Criminal Codes of the Entities and Brcko District only partially address the issue of protecting children against sexual abuse facilitated by ICT, the Criminal Code of the Republika Srpska doing it to the highest extent regulating the treatment of children having self-generated sexual content in which other children participate in the context of the acts covered by the Lanzarote Convention, while the Codes of the FBiH and Brcko District do not govern it at all.

¹¹ FBiH Official Gazette, 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14, 76/14, 46/16).

¹² RS Official Gazette, 49/03, 108/04, 37/06, 70/06, 73/10, 1/12, 37/13 – this Code was repealed by a new code.

¹³ Brcko District of Bosnia and Herzegovina Official Gazette, 10/03, 45/04, 06/05, 52/11.

¹⁴ RS Official Gazette, 64/17.

¹⁵ Article 92: „A special register for persons who have been imposed final and binding verdict for criminal offences against sexual integrity of a child shall be kept within criminal records. Content, scope of information, their keeping and requirements for revealing information from this register shall be regulated in a separate regulation.”

Child-related pornography definitions are not precise and they look at the concept of child pornography in a different way. The Criminal Codes define the production and screening of child pornography differently. In addition, the aforementioned codes defining child pornography do not set forth the same age of the child as set forth in Article 9 of the Cybercrime Convention, where the minimum child age is set forth at 16 years.

The basic form of protecting children from pornography as an organised criminal activity is contained within the Criminal Codes that apply in BiH. The Criminal Codes are under jurisdiction of the Cantonal and District Prosecutor's Offices in BiH and the Public Prosecutor's Office of the Brčko District of BiH. According to the aforementioned codes, the offenses considered to be "child pornography" include the production, possession, distribution, sale of material of pornographic content of a child or juvenile, with the criminal norms in the entity laws not being consistent, so that they have not fully incorporated the provisions of the Lanzarote Convention, the Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Convention on Cybercrime.

Newer forms of child abuse facilitated by information and communication technologies, such as sexting, grooming, cyberbullying, are not covered by Criminal Codes in BiH, which is also a problem when receiving reports of such acts through the hotline. Namely, "sexting, grooming, cyberbullying" are quite new forms of "traditional" criminal offenses.

- 8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

Of the above-mentioned Criminal Codes, it is only the newly-passed Criminal Code of the Republika Srpska¹⁶ that provides that: „The child shall not be punished for production or possession of self-generated sexually explicit images and/or videos involving him personally or him and another child if they self-generated and consensually possessed for their own use exclusively“. The Code defines child pornography in the following wording: „any material that visually or in another way shows a child or realistically presented non-existing child or a face that looks like a child, in a real or simulated (explicit) obvious sexual act or that shows sex organs of children for sexual purposes“.

- 8.3. Are there specificities related to the fact that more children appear on the:
- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
 - b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

The Criminal Codes in BiH do not contain the specificities cited in the question.

¹⁶ Article 175(5)

Question 9. Criminalisation

- 9.1. Does national law criminalise cases when adults:¹⁷
- possess child self-generated sexually explicit images and/or videos?
 - distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
 - distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

The Criminal Codes of both Entities and Brcko District generally criminalises cases when an adult records, possesses, imports, sells, shows or distributes sexually explicit images and/or videos depicting children, without specifying whether they were self-generated or not.

- 9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Yes, there are, in cases provided for by law (e.g. statute of limitation etc.).

- 9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

Criminal Code of Federation of BiH

Article 189

Unauthorised Photographing and Filming

(1) Whosoever takes any photograph, film or other visual recording of another in his personal premises without that person's consent, or who passes on or displays such a photograph to a third person, or enables the third person in some other way to have direct access to the photograph, film or recording, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) If the offence under paragraph 1 above is committed by any official in the course of his duty, he shall be punished by imprisonment for a term of between six months and three years.

(3) Whosoever takes any photograph, film or other visual recording of any child, with a view to developing photographs, audio-visual tapes or other pornographic materials, or who possesses, imports, sells, projects or otherwise deals in such material, shall be punished by imprisonment for a term of between one and five years.

(4) Any articles intended for or used in the commission of any offences under paragraphs 1 to 3 above shall be subject to forfeiture, and any articles produced through the commission of any offence under paragraph 1 to 3 above shall be subject to forfeiture and destruction. ...

Article 211

Abuse of a Child or Juvenile for Pornography

(1) Whosoever photographs or films a child, with a view to developing photographs, audio-visual tapes or other pornographic materials or who possesses or imports or sells or deals in or projects such material, or incites such persons to play in pornographic shows, shall be punished by imprisonment for a term of between one and five years.

¹⁷ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

(2) The articles intended or used for the commission of any offence under paragraph 1 above shall be subject to forfeiture and any articles produced as a result of the commission of an offence under paragraph 1 above shall be subject to forfeiture and destruction.

Article 212

Showing Pornography to a Child

(1) Whosoever sells, shows or renders available through public display or in any other manner, writings, pictures, audio-visual or other objects containing pornographic material to a child, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Any object used in committing the offence under the paragraph 1 above shall be subject to forfeiture.

Criminal Code of the Republika Srpska

Abuse of a Child for Pornography

Article 175(1-3)

(1) Whoever incites a child to participate in filming child pornography or whoever organises or enables filming of child pornography shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever, without authorization, films, produces, offers, makes available, distributes, promulgates, imports, exports, obtains for himself or another person, sells, gives, shows or possesses child pornography or knowingly access it by computer network, shall be punished by imprisonment for a term of between one and eight years.

(3) Whoever, by force, threat, deception, fraud, abuse of office or difficult circumstances of a child or abuse of relationship of dependence, forces or incites a child to filming child pornography shall be punished by imprisonment for a term of between two and ten years.

Showing Pornography to a Child

Article 177(1)

(1) Whosoever sells, gives, shows or renders available through public display, internet or other communication network or in any other manner, writings, photos, audio-visual or other objects containing pornographic material or shows a pornographic show to a child under fifteen years of age shall be punished by imprisonment for a term of between six months and three years.

Use of Computer Network or Other Technical Means of Communication in Criminal

Offences of Sexual Abuse and Exploitation of a Child

Article 178

(1) Whoever, by using computer network or communication by other technical means, arranges meeting with a child over fifteen years of age for sexual intercourse or an equivalent sexual act, or for production of pornographic material or for other types of sexual abuse and shows up at the arranged meeting point, shall be punished by imprisonment for a term of between one and five years.

(2) If the offence under paragraph 1 of this Article is committed against a child under fifteen years of age, the offender shall be punished by imprisonment for a term of between two and eight years.

Infringement of Child's Privacy
Article 189

(1) Whoever reveals or conveys information from child's personal or family life or, contrary to the regulations, publishes child's photography or discloses child's identity and thus causes his anxiety or exposes him to derision of his peers or others or endangers child's safety in any other way, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Whoever commits any offence under paragraph 1 of this Article by means of mass media, computer system or network, at a public gathering or by any other method which makes it accessible to a larger number of persons, shall be punished by a fine or imprisonment for a maximum term of two years

(3) Whoever commits any offence under paragraphs 1 and 2 of this Article as an official or while exercising his professional activities, shall be punished by a fine or imprisonment for a maximum term of three years.

Criminal Code of the Brcko District of BiH

Unauthorised Photographing and Filming
Article 186

(1) Whosoever takes any photograph, film or other visual recording of another in his personal premises without that person's consent, or who passes on or displays such a photograph to a third person, or enables the third person in some other way to have direct access to the photograph, film or recording, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) If the offence under paragraph 1 above is committed by any official in the course of his duty, he shall be punished by imprisonment for a term of between six months and three years.

(3) Whosoever takes any photograph, film or other visual recording of any child, with a view to developing photographs, audio-visual tapes or other pornographic materials, or who possesses, imports, sells, projects or otherwise deals in such material, shall be punished by imprisonment for a term of between one and five years.

(4) Any articles intended for or used in the commission of any offences under paragraphs 1 to 3 above shall be subject to forfeiture, and any articles produced through the commission of any offence under paragraph 1 to 3 above shall be subject to forfeiture and destruction....

Abuse of a Child or Juvenile for Pornography
Article 208

(1) Whosoever photographs or films a child, with a view to developing photographs, audio-visual tapes or other pornographic materials or who possesses or imports or sells or deals in or projects such material, or incites such persons to play in pornographic shows, shall be punished by imprisonment for a term of between one and five years.

(2) The articles intended or used for the commission of any offence under paragraph 1 above shall be subject to forfeiture and any articles produced as a result of the commission of an offence under paragraph 1 above shall be subject to forfeiture and destruction....

Showing Pornography to a Child
Article 209

(1) Whosoever sells, shows or renders available through public display or in any other manner, writings, pictures, audio-visual or other objects containing pornographic material to a child, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Any object used in committing the offence under the paragraph 1 above shall be subject to forfeiture.

- 9.4. Does national law criminalise cases when adults:¹⁸
- a. possess child self-generated sexual content?
 - b. distribute or transmit child self-generated sexual content to other adults?
 - c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

Answer 9.3. cites articles of the Codes defining criminal offenses and determining the level of prison sentences.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Yes, there are, in cases provided for by law (e.g. statute of limitation etc.).

9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

Answer 9.3. cites articles of the Codes defining criminal offenses and determining the level of prison sentences.

- 9.7. Does national law criminalise cases when children:¹⁹
- a. produce self-generated sexually explicit images and/or videos?
 - b. possess self-generated sexually explicit images and/or videos?
 - c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
 - d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?
 - e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
 - f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

Criminal Codes of the FBiH and Brcko District do not criminalise these cases at all, while the new RS Criminal Code recognises cases when children themselves produce self-generated sexually explicit content and distribute it (whether they participate alone or with other children), but does not criminalise them, i.e. does not consider the child criminally liable and does not prosecute him/her²⁰.

¹⁸ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

¹⁹ This question does not in any way suggest that these behaviours should be criminalised.

²⁰ Article 175(5) of the Code provides that: „The child shall not be punished for production or possession of self-generated sexually explicit images and/or videos involving him personally or him and another child if they self-generated and consensually possessed for their own use exclusively“. The Code defines child pornography in the following wording: „any material that visually or in another way shows a child or realistically presented non-existing child or a face that looks like a child, in a real or simulated (explicit) obvious sexual act or that shows sex organs of children for sexual purposes.“

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

See answer 9.7.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

See answer 9.7.

- 9.10. Does national law criminalise cases when children:²¹
- a. produce self-generated sexual content?
 - b. possess self-generated sexual content?
 - c. distribute or transmit self-generated sexual content to peers?
 - d. distribute or transmit self-generated sexual content to adults?
 - e. distribute or transmit self-generated sexual content of other children to peers?
 - f. distribute or transmit self-generated sexual content of other children to adults?

See answer 9.7.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

See answer 9.7.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

See answer 9.7.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2²²

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2²³

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of

²¹ This question does not in any way suggest that these behaviours should be criminalised.

²² Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

²³ Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

See answer 9.7.

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Of the three Criminal Codes, only the Criminal Code of the Republika Srpska provides generally, in Article 177, „Whosoever sells, gives, shows or renders available through public display, internet or other communication network or in any other manner, writings, photos, audio-visual or other objects containing pornographic material or shows a pornographic show to a child under fifteen years of age shall be punished by imprisonment for a term of between six months and three years“.

Further, Article 178 of the Criminal Code provides: „Whoever, by using computer network or communication by other technical means, arranges meeting with a child over fifteen years of age for sexual intercourse or an equivalent sexual act, or for production of pornographic material or for other types of sexual abuse and shows up at the arranged meeting point, shall be punished by imprisonment for a term of between one and five years. If the offence under paragraph 1 of this Article is committed against a child under fifteen years of age, the offender shall be punished by imprisonment for a term of between two and eight years.“

Question 12. Jurisdiction rules²⁴

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

Information is not available.

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

- a. in law enforcement?
- b. in prosecution?
- c. in courts?

The Directorate for Coordination of Police Bodies of BiH, the Division for International Operational Police Cooperation, the NCB Interpol Sarajevo and the Department for Cooperation with Europol act within their competences in cases of sexual exploitation and sexual abuse of children and a majority

²⁴ Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

of these cases are related to sexual offenses against children facilitated by information and communication technologies.

In the Ministries of Internal Affairs in the Federation of Bosnia and Herzegovina and the Republika Srpska and in the Brčko District Police, there are no specialised units / divisions / departments for sexual offenses against children facilitated by ICT. There is the Cyber Crime Section in the Republika Srpska Ministry of Internal Affairs, while there is no similar body in the Federation of BiH or Brcko District.

In Brcko District, investigations and other actions related to the above-mentioned offenses are conducted by the Department for the Prevention and Suppression of Organized Crime and Drug Abuse.

In the Republika Srpska Police Administration of Banja Luka, within the Criminal Police Division, within the Department of General Crime, there is a Section for Violent Felonies and Sexual Offences with 7 police officers, which monitors and studies the trends and manifestations of crimes against limb and life and dignity of persons, undertakes activities for their effective suppression and detection, provides expert assistance and directly works in police stations to detect this type of criminal offense. Further, this Section monitors the trends and manifestations of juvenile delinquency, directly engages in the detection and clarification of criminal offenses under jurisdiction of basic courts in the headquarters of the police and district courts; cooperates with canthers for social work, primary and secondary schools, prepares criminal reports, reports, information and performs other tasks and jobs assigned by the direct supervisor; plans and collects operational information about persons in the correctional facility and the juvenile facility who have committed criminal offenses that have not been detected, transmits the operational information to the organizational units, performs other tasks and jobs falling within competence of the Section. In other police administrations, these jobs are performed by inspectors dealing with general crime.

In Bosnia and Herzegovina, the system of juvenile criminal justice is prescribed by special laws: in the Federation of BiH, Articles 16 and 19 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings²⁵, in the Republika Srpska, Articles 16 and 19 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings²⁶ and in Brcko District, Articles 16 and 19 of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings²⁷. These laws set out the rules of criminal proceedings against children in conflict with law, younger adults and children who are victims or witnesses. These laws establish the obligation of courts to establish juvenile departments consisting of one or more judges and expert advisers, while prosecutors are required to establish juvenile departments consisting of one or more prosecutors and one or more expert advisers. For the purpose of conducting criminal proceedings involving juveniles, the courts and the prosecutors have at their disposal expert advisors: social pedagogues - special education teachers, special pedagogues - special education teachers, social workers and psychologists who have an active role in juvenile cases. Currently, 7 (seven) psychologists are engaged in the courts, while nine (9) psychologists are engaged in prosecutors' offices.

The law also prescribes that prosecutors, who are assigned in the juvenile department, are obliged to initiate proceedings against adult perpetrators of criminal offenses if they deem it necessary for the special protection of the children and juveniles who are involved in the criminal proceedings as injured parties (victims). Juvenile judges also try adult offenders for criminal offenses involving

²⁵ FBH Official Gazette, 7/14

²⁶ RS Official Gazette, 13/10, 61/13

²⁷ Brcko District of BiH, 44/11

children and juveniles as victims, including the criminal offenses of exploitation of children or juveniles for pornography and the production and display of child pornography.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

In Bosnia and Herzegovina, there are no specialised units / departments / sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?
- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

There is no victim identification function in the Ministries of Internal Affairs of the Federation of BiH, the Republika Srpska or the Brčko District Police.

The Division for International Operational Police Cooperation of the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina acts within its competencies through the NCB Interpol Sarajevo and the Department for Cooperation with Europol in cases of, inter alia, sexual exploitation and sexual abuse of children. The largest number of cases relate to sexual offenses against children facilitated by information and communication technologies.

The competent authorities/police agencies in BiH, through the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina, NCB Interpol Sarajevo, continually exchange information with other Interpol member countries on this issue. Thus, 20 cases of sexual exploitation of children were opened in 2017, 20 cases in 2016 and 24 cases in 2015. These are mainly requests for verification in order to identify the victims and stop their victimisation, i.e. in order to identify, arrest and eventually prosecute the perpetrators.

There is still no active contribution to the INTERPOL database of photographs titled "International Sexual Exploitation of Children". The reason is that it is currently being worked out how to specify the legal and sub-legal framework with the competent prosecutor's offices, since these photographs are used in court proceedings. It is not specified at what stage of the process it is possible to bring the photos into the database.

In the Republika Srpska Police Administration of Banja Luka, within the Criminal Police Division, within the Department of General Crime, there is the Cyber Crime Section, where 12 police officers work, which collects and processes information of all forms of cybercrime, and plans and performs proactively and reactive collection, evaluation and analysis of intelligence. One police officer - cybercrime inspector is in the Banja Luka, Doboj, Bijeljina, Istocno Sarajevo, Trebinje, Prijedor and Zvornik Police Administration each.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

There is no available information.

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. prosecutors?
- c. judges?

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

In Bosnia and Herzegovina, special juvenile criminal legislation prescribes that judges and prosecutors sitting on special juvenile divisions must have an affinity for working with children and specific knowledge and special knowledge about the rights of the child and juvenile delinquency, as well as other knowledge and skills that make them competent for dealing with cases of juvenile delinquency.

The Judicial and Prosecutorial Training Centre of the Republika Srpska and the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina are in charge of the acquisition of special knowledge and continuous professional training and development of judges and prosecutors in the field of child rights, juvenile delinquency and juvenile criminal justice protection. The Judicial and Prosecutorial Training Centres provide prosecutors and judges with certificates of professional competence to work in the field of juvenile delinquency and juvenile criminal justice protection.

Within the annual training program, the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina implements a special training program for judges and prosecutors dealing with cases under the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings. This training is mandatory and lasts for eight days and includes international standards of treatment of children, psychology of children and juveniles, juvenile questioning and forensic interviews, violence against children and crimes committed by juveniles, alternative measures and criminal sanctions.

In addition to this training, seminars and workshops on "Violence against Children" and "Psychology of Juveniles" were held in accordance with the Induction Training and Vocational Training Program.

Since 2011, as part of the specialised juvenile justice training, the Judicial and Prosecutorial Training Centre of the Republika Srpska has held a total of 5 mandatory seminars for judges and prosecutors who have been assigned to work on cases involving children as victims or proceedings conducted against juveniles. The seminars were held on the following topics: "Children Victims of Sexual Abuse - Questioning of the Victim", "Children as Victims and Witnesses in Criminal Proceedings", "The Importance of Knowledge of Child Psychology", "Special Types and Techniques of Cybercrime", "A

Profile of the Offender", "Child Pornography", "How to Increase the Security of Information and Communication Technologies", "Internet Operation", "Child Pornography - Related Criminal Offenses", "Development and Suppression of Cybercrime in Europe", "The Domestic Legal Framework for the Fight against Cybercrime" and "Cybercrime and e-Fraudsters Profile".

In cooperation with UNICEF and the International Solidarity Forum EMMAUS, a document has been produced for professionals entitled "Guidelines for Acting in Case of Violence Against Children in the ICT Environment in Bosnia and Herzegovina", which contains information and topics on the abuse and exploitation of juveniles for pornography, prostitution, production and mediation of child pornography and abuse in the ICT environment, the use of social network profiles and the recruitment of juveniles through information and communication technologies etc. This document is published within the UNICEF Project for Justice for Every Child and MSF EMMAUS, with which in 2018 workshops for judges and prosecutors on "Sexual Exploitation and Abuse Facilitated by Communication Technologies" will be held. These courses of training are not mandatory for holders of judicial offices.

Save the Children in North West Balkans has supported the Ministry of Security of BiH, the Police Academies in Banja Luka and Sarajevo, and the Agency for Education and Professional Development of Mostar to develop a curriculum for these institutions that includes basic and advanced training in the field of violence against children facilitated by ICT. The curriculum is expected to be adopted by these agencies as an official training program for police officers. The goal of the program is that all police officers get basic knowledge on how to recognise violence facilitated by ICT and how to act in particular situations involving children. So far, 30 police officers from the Federation of BiH, the Republika Srpska and the Brcko District have undergone advanced trainer training.

Partnerships

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

A significant progress in preventing online abuse of children and young people facilitated by information technology was achieved in 2010 when MFS-EMMAUS temporary became a member of INHOPE - an international association of Internet hotlines, the leading organization in the world for managing hotlines for reporting inappropriate web content, which resulted in full membership in November 2012, which made BiH – with the help of the MFS-EMMAUS - the 42nd Member State which has access to the world database managed by INHOPE. This ensures efficient cooperation and exchange of data in this area with other Parties to the Lanzarote Convention and thereby more efficient fight against these crimes in BiH, the region and the world.

The competent authorities/police agencies in BiH, through the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina, NCB Interpol Sarajevo, continually exchange information with other Interpol member countries on this issue. The Directorate for Coordination of Police Bodies of

BiH, the Division for International Operational Police Cooperation, the NCB Interpol Sarajevo and the Department for Cooperation with Europol act within their competences in cases of sexual exploitation and sexual abuse of children and a majority of these cases are related to sexual offenses against children facilitated by information and communication technologies. Through the Department of NCB Interpol Sarajevo, information is exchanged with other Interpol member countries on this issue. Thus, in 2017, a total of 20 cases related to sexual abuse of children have been opened. In 2016, a total of 20 were opened, and in 2015 there were 24 cases in total. These are mainly requests for verification in order to identify the victims and stop their victimisation, i.e. in order to identify, arrest and eventually prosecute the perpetrators.

In the Ministry of Internal Affairs of the Republika Srpska, international and international police cooperation activities are carried out through the Department for International Cooperation in the Minister's Office and through the Department of Police Cooperation with Interpol, Europol and Selek.

All information received from other Member States of the Interpol on traveling perpetrators of sexual offenses against children who are coming or who may visit Bosnia and Herzegovina are forwarded timely to the national competent law enforcement agencies. This information is sent through regular correspondence or via so-called green warrants, which serve as a warning of famous criminals.

Regarding the Department for Cooperation with Europol in relation to cases of child sexual abuse, the Department exchanges information with other countries, co-ordinates activities during the organization of training by Europol for the national investigators to attend and the like.

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

Measures taken to cooperate with other Parties to the Lanzarote Convention are:

a) the selection, wetting, education and training of police officers specialised in the prevention and combating of sexual coercion/extortion resulting from the sharing of self-generated sexual content and to cooperate with governmental and non-governmental institutions dealing with the relevant activities both within BiH and with the Parties to the Lanzarote Convention.

b) Collecting information about the perpetrators, the place, the time and the way in which the offenses in question are committed, with the aim of prosecuting the perpetrators of sexual coercion/extortion resulting from the sharing of self-generated sexual content through the exchange of information with other Parties to the Lanzarote Convention.