



**Submission by Human Rights Watch to the United Nations Committee  
on the Rights of the Child concerning Croatia**

*80<sup>th</sup> pre-sessional working group  
June 2018*

This submission relates to Articles 22, 24, 28, and 38 of the Convention on the Rights of the Child and focuses on migrant and asylum-seeking children, children in institutionalized settings, and the protection of students, teachers, and schools during armed conflict.

**The Situation of Migrant and Asylum-Seeking Children (Articles 22, 24)**

During 2017, Croatia forced back asylum seekers and migrants who entered the country from Serbia without examining their asylum claims. In July, the Court of Justice of the European Union ruled that Croatia breached EU law by allowing asylum seekers and migrants to cross into Slovenia and Austria without first examining their asylum claims.<sup>1</sup>

Asylum seeking and refugee children continued to face social isolation and difficulties in accessing language classes and education. Unaccompanied migrant and asylum children continued to be placed in residential institutions for children without adequate arrangements for their protection and care. Out of 30 registered unaccompanied children, only one had been enrolled in school for the academic year of 2017/2018.<sup>2</sup>

*Human Rights Watch recommends that the Committee ask the government of Croatia:*

- What steps are being taken to improve access to asylum for all migrants and asylum seekers, including children?
- Will the government follow the Committee's recommendation that member states should not detain children for immigration purposes, even as a last resort?
- What services do migrant and asylum-seeking children have access to, including physical and mental health services and education including language classes?

*Human Rights Watch recommends that the Committee call upon the government of Croatia to:*

- Investigate alleged abuses against child migrants and asylum-seekers.
- Provide meaningful access to asylum and fair procedures for those on its territory and at its borders.

**Protection of Education during Armed Conflict (Articles 28, 38)**

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<sup>1</sup> Case C-646/16, Court of Justice of the European Union, judgement July 26, 2017.

<sup>2</sup> Human Rights Watch, World Report 2018, "Croatia, 2018."

Since independence, the armed forces of Croatia have participated in a number of military operations internationally, as parts of NATO, European Union, and United Nations peacekeeping missions.

In June 2015, the UN Security Council unanimously adopted resolution 2225 (2015) on children and armed conflict, which:

Expresses deep concern that the military use of schools in contravention of applicable international law may render schools legitimate targets of attack, thus endangering the safety of children and in this regard encourages Member States to take concrete measures to deter such use of schools by armed forces and armed groups.<sup>3</sup>

Human Rights Watch believes that an example of such a concrete measure to deter the military use of schools would be for Croatia to endorse and implement the Safe Schools Declaration.<sup>4</sup> The Safe Schools Declaration is a political commitment to better protect students, educational staff, schools, and universities during armed conflict. It was drafted through a consultative process led by Norway and Argentina in 2015. The Declaration includes a commitment to use the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.<sup>5</sup>

In 2014, in a joint statement with Austria and Slovenia (both of which have now endorsed the Safe Schools Declaration), Croatia told the Human Rights Council that these guidelines “are a very concrete step forward to protect educational institutions and to limit the negative impact of conflict on students’ safety and education.” They also noted: “We are gravely concerned about the use of schools for any military purposes since it is detrimental to the children’s rights to education, jeopardizing their chances for the future. We would like to underline the right and access to education as a fundamental human right.”<sup>6</sup>

At a 2015 consultation on the Safe Schools Declaration and Guidelines in March 2015, a representative from the ministry of foreign affairs of Croatia stated: “As a country that went through war, we are very well aware of and understand the importance of this issue... Croatia can wholeheartedly agree with the goals of this declaration and we offer our support.”<sup>7</sup>

As of February 2018, 72 countries—representing more than one-third of all UN member states—have already endorsed the Safe Schools Declaration, including 20 of Croatia’s fellow European Union states.

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<sup>3</sup> United Nations Security Council, Resolution 2225 (2015), S/RES/2225 (2015), [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2225.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2225.pdf) (accessed October 9, 2017), para 7.

<sup>4</sup> Safe Schools Declaration, May 28, 2015, [https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe\\_schools\\_declaration.pdf](https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf) (accessed October 19, 2016).

<sup>5</sup> Global Coalition to Protect Education from Attack, *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*, March 18, 2014, [http://protectingeducation.org/sites/default/files/documents/guidelines\\_en.pdf](http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf) (accessed October 19, 2016).

<sup>6</sup> Interactive Dialogue with the SRSG for Children and Armed Conflict, Human Rights Council, March 12, 2014.

<sup>7</sup> Consultation on the Safe Schools Declaration, Palais des Nations, March 27, 2015.

*Human Rights Watch recommends that the Committee ask the government of Croatia:*

- What steps has Croatia taken in line with UN Security Council Resolution 2143 (2014) and 2225 (2015) to deter the use of schools for military purposes?
- Are protections for schools from military use included in any policies, rules, or pre-deployment trainings for Croatia's armed forces?

*Human Rights Watch recommends that the Committee call upon the government of Croatia to:*

- Endorse and implement the Safe Schools Declaration, including by bringing the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* into domestic military policy and operational frameworks.