

**Coordination of Associations for Children
Croatia**

**THE ALTERNATIVE REPORT
on implementing
the Convention on the Rights of the Child
and
the Concluding Observations
of the UN Committee on the Rights of the Child
in the Republic of Croatia
during the period of 2004-2010**

November 2013

INTRODUCTION

The Alternative report is submitted to the UN Committee for the rights of the child in relation to The Third and The Fourth Periodic Report of the Republic of Croatia for the period 2004-2010 on implementation of the Convention on the rights of the child and Conclusions of the UN Committee for the rights of the child. The report has been prepared by the **Coordination of Associations for Children (CAC)** in collaboration with **member associations, other interested organizations and experts.**

In December of 2010 the Government of Republic of Croatia has adopted and published *The Third and the Fourth Periodical Report on Implementation of the Convention on the Rights of the Child in Croatia (2004-2010)*.

Coordination of Associations for Children, a formal network of associations made up of 27 civil society organizations (CSOs), accepted drafting the Alternative report as a joint project of its members but also taking into consideration other sources. The Alternative report preparation process started in the year before the State report was adopted (March – October, 2010). During this period opinions of CSOs and experts on specific issues of children's rights were collected as emphasized in the Conclusions of the UN Committee on the rights of the child to the Second Periodic Report of the Republic of Croatia (2004) which resulted in drafting of the preliminary Alternative report.

During 2011, following the publication of the State Report, the work on the preparation of the Alternative report was continued. Working group for the Alternative report invited other member associations of the Coordination, as well as other interested organizations and experts to engage in the process by offering their comments and suggestions for those areas / paragraphs of the State report on which they have relevant experience and information. Twentyone CSOs and twelve experts responded to this call. A significant number of written comments and recommendations was collected, several consultative meetings were held with individual CSOs and experts in order to harmonize comments and / or gather additional information on specific issues from the State report and various written materials were consulted (research papers, statistics, reports of individual bodies, conclusions of expert discussions, minutes from meetings).

This report reflects the insights, opinions and experience of CSOs and experts which we believe will help complete the picture of the progress made by Republic of Croatia in implementing the Convention and the Concluding observations of the UN Committee on the rights of the child concerning the Second periodic report (2004).

The period covered by the State report was marked by intensive preparations for the Croatian accession to the European Union. This prompted the ratification of almost all relevant international documents which pertain to the protection of children's rights, as well as modification or adoption of a significant number of laws in order to implement the undertaken commitments.

The National Action Plan for the Rights and Interests of the Child from 2006 to 2012 has been adopted where, in accordance with the Conclusions of the UN Committee on the Rights of the Child (2004), priorities of the state policy towards children were defined.

Generally speaking, many positive developments have been made in relation to the situation of children as described in the Second periodic report, particularly with regard to the legislative framework. Ratione Materiae Laws cover important areas of child protection and are publicly available. However, there are many problems at the implementation level – lack of subordinate legislation for implementation, insufficient educational level of executors, lack of necessary financial resources, inadequate sanctioning of violators and substandard legal solutions due to the haste in which many of the laws were enacted.

Furthermore, most measures from the National Plan were implemented or are being implemented, however systematic monitoring and evaluation of impacts is constantly missing.

Each title in the Alternative report states the articles of the Convention on the rights of the child (art.____), the State Report paragraphs (SR ____) and/or Concluding Observations of the Committee on the Rights of the Child (CO ____) the text refers to. For brevity all nouns in the text are written in male gender but they equally refer to female gender as well.

Basic data on the Republic of Croatia¹:

Area	56.538 km ²
Population	4.429.000
Children 0-4	211.000 (4,8%)
Children 0-14	681.000
Children 14-17	204.077
Children 0-17	835.000 (18,8%)
GDP per capita (2009)	10.245 EUR

We would like to thank Save the Children Sweden for their support in preparing The Preliminary Alternative report and UNICEF Office for Croatia in the preparation of the final The Alternative report.

1 www.hnb.hr/statistika/e-ekonomski_indikatori.htm & www.transmonee.org

GENERAL CONVENTION IMPLEMENTATION MEASURES

a. Provisions of the national legislation and strategic documents that directly exercise rights of the of the child as provided by the Convention (art. 4 & 41; SR 3-68; CO 9-10)

In the reporting period which coincided with the preparations for accession to the EU, Croatia has harmonised almost its entire legislation with relevant international documents which pertain to the protection of human rights and children's rights. The legislation presented in the State report is very comprehensive and despite some inconsistencies and ambiguities in explaining certain laws, a great shift in conceptualization and standardization in the areas of human rights and children's rights in national legislation can be observed. However, often in the process of drafting laws and regulations **insufficient time was ensured for public debates** or involvement of all stakeholders. This is one of the reasons for frequent amendments of laws which are presented in the State report as well. Furthermore, **protracted adoption of secondary legislation** necessary for adequate law enforcement is present as well. One example is failure of adopting the new Ordinance on the Education of Children with Disabilities which why the old Ordinance is still in power although it is not aligned with the currently valid Act on Primary and Secondary Education.

Execution of laws is difficult in practice for other reasons as well: lack of clarity of certain laws, failure to secure necessary financial resources, the fact that most of the case law is not disclosed publicly which endangers legal safety of citizens and the rule of law leaving the citizens deprived of information on court practice.

b. Mechanisms for coordination of policies in relation to children at the national or local level (SR 69-76; CO 11-14, 17-18)

The National Plan of Activities for the Rights and Interests of Children from the Year 2006 until the Year 2012 (hereinafter: The National Plan) was adopted in 2006 with the purpose of systematically improving the quality of life of children. It contains 124 measures in 14 fields of action. Conclusions of the UN Committee to the Second Periodic Report played an important role in drafting this document. The National Plan has provided a **basis for development of numerous other strategic documents** (national strategies, plans, programs) and has set **a solid framework for action of all stakeholders**. All of this has undoubtedly spurred many positive changes but their actual size and scope is difficult to establish since **well defined and binding mechanisms for monitoring and evaluation of the effectiveness of measures are missing**.

The Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity is the implementation coordinator of the National Plan and its implementation is mandatory for all government bodies and for the local and regional self government (LRSG). Implementation is systematically monitored by the Council for Children. This multi-sectoral body has repeatedly emphasized 'low efficiency of reporting on implementation of the National Plan of Activities for the Rights and Interests of Children from the Year 2006 until the Year 2012 by government bodies, as well as, local and regional self government which are responsible for implementation of the majority of measures and activities from this document.'²

2 The Report on the Council for Children work for 2008 and 2009

The State report mentions 'various mechanisms' at the local and regional level which monitor the implementation of policies aimed at children and the Convention (coordinators have been appointed, county committees established, etc.) and LRSGs and CSOs 'are invited to engage more actively' in their implementation as well as the creation of local programs. The outcome and effects of their work are unknown except for the fact that The State report correctly concluded that there are no reports on effectiveness and implementation of the majority of these 'various mechanisms'.

Data collection. Although with regard to the previous State report **an improvement has been made** in statistical data collection on the situation of children, **it is necessary to put further efforts** particularly in collecting data concerning the field of education. For example, when speaking of enrolment of children in preschool education, the State report provides different information: paragraph 141 mentions 58% of children and paragraph 241 (VII Education, leisure and cultural activities) mentions 74,10% of children. Furthermore, the statistics reported on the education of Roma children do not provide a clear picture of the situation (Appendix 2, Tables 20.p-20.t). The only information given is on the total number of Roma children included in each level of the educational system and no data is given on passing individual grades, school achievement and dropout rates. On the basis of these incomplete data it is difficult to estimate the actual reach of measures which are being taken. This makes it difficult to reach valid decisions for improvement of practice.

Activities of civil society organizations. A progress has been made in cooperation with national government, local and regional self government, although this is still cannot be defined as true partnership. Even though these bodies finance activities of CSOs, they seldom have developed appropriate mechanisms for monitoring and evaluation of results and impact of CSOs activities in the area of welfare of children. Therefore, **reports on implementation of various national strategies** relating to children are necessarily **flawed** with respect to information relating to the role and contribution of CSOs. Coordination of Associations for Children, with financial support of UNICEF, has on several occasions conducted studies on contribution of CSOs to the National Plan. The aim was to make these contributions more visible to the public because the data is not included in the annual reports. The lack of precise monitoring mechanisms for implementation of measures from the National Plan is particularly evident in LRSGs who finance certain CSOs programs aimed at, for example, the field of Abused and neglected children, and then forget to mention it in their report.

The Ombudsman for children. With regard to implementation of recommendations of the Committee number 13 and 14 we established that **significant progress has been made.** The office of the Ombudsman for Children, during its seven years of work, effectively contributed to the supervision of the execution of the rights of children and to monitoring of implementation of all relevant international and national documents and regulations. Among many initiatives undertaken by the Office in order to improve the operation of all segments of the society and the state, which are responsible for the welfare of children, we will mention regular annual meetings where along with representatives of the Office, there are representatives of Coordination of Associations for Children and relevant government bodies. These meetings contributed to the quality of the dialogue. The Ombudsman for Children has become an institution recognizable to the public and, most importantly – to children.

Coordination of Associations for Children, many CSOs, eminent experts and general public reacted with indignation to the proposal of the new Ombudsman Act (Spring 2011) which proposes **merging of specialised Ombudsman Offices** into a single Ombudsman Office. Some members of the Council for Children who are not representatives of state bodies, asked for official position of this government body since its duty is, among others, to discuss and draft laws and other regulations pertaining to the rights of the child, to propose to the government and relevant ministries changes of law and other regulations and drafting of new regulations in areas relating to child protection. Unfortunately, this discussion was

initially prevented and at the next session, their views were not accepted. In late 2011 the **Act on Ombudsman** was adopted with **specialized Ombudsmen merged into a single office**. Implementation of this act is planned for mid-2012.

Recommendations:

1. Constitution of the Council for Children where the majority of members come from state administration **needs to be expanded with a larger number of independent members** (from CSOs, scientific and professional institutions and prominent individuals) whose work, knowledge and experience is aimed at children, so that the Council has more insight into the needs and problems of children and can efficiently direct implementation of national action plans.
2. **Improve mechanisms for collecting and analyzing data** on implementation of measures of national policy documents aimed at children; improve collection of statistical data on participation and achievements of children in the educational system, especially Roma children.
3. It is necessary **to keep the institution of the specialised Ombudsman for Children as a separate and independent** body since its merging into the institution of the Ombudsman General would be a step backwards compared to the results accomplished in the protection of rights and interests of children.

c. Making the Convention principles and provisions known to children and adults (art. 42 & 44; SR 82-83; CO 19-20)

Students are introduced to the Convention in schools within various projects carried out in extracurricular activities throughout the school year. The activities which use a unique methodology are presented at the Festival of projects in the field of National program for education for human rights and democratic citizenship. The teachers here cooperate with CSOs. However, schools are less inclined to offer their space for such extracurricular activities of their students, and are increasingly interested in renting their facilities to private companies that provide money and offer various services and programs for students as well as citizens.

Although significant progress has been made, still **we cannot be satisfied with the level of sensitivity the general public is showing for the rights of children and the Convention**. It is still widely accepted (from parents to teachers and experts) that children should be protected / patronized, but not that children have rights as stated in CRC. "Children are taught of their rights but not of their obligations" is the sentence often heard from adults.

Recommendation:

It is necessary to define at least minimum standards of learning on human and children's rights during education.

d. Funds aimed at children (SR 84-86; CO 15-16)

With regard to the Conclusions of the Committee, the problem of **insufficiently transparent disclosure of data on funds aimed at activities for children** has not been solved at national and local level. The data should be complete, relevant and presented in an understandable way. It is not possible to obtain clear information from the State report on the total funds spent on children each year (or at least the estimated figure) by the state administration and local and regional self government. For example, paragraph 84 of the State report states that 'Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity as a body responsible for coordinating policies for children, on its positions continually, from 2004, plans and directs funds for children through the special programme "*Social strengthening of family, youth, children and persons with disabilities*", which was in 2008 divided into two separate areas: *Social strengthening of family, youth and children* and *Social strengthening of persons with disabilities*.'

Although there are activities within these programs for which the funds are secured exclusively for children, still it seems that the whole Ministry from 2008 has only one program for children – *Social strengthening of family, youth and children*. The same paragraph and the Annexes (Table 4.a), also do not mention that Ministry of Science, Education and Sports has similar programs although they surely exist. Furthermore, **systematic overview of the funds spent in different areas of activities is missing** from the *National Plan of Activities for the Rights and Interests of Children from the Year 2006 until the Year 2012*. Most of the data provided is not clearly presented or systematic, descriptive explanations are often missing which makes the understanding and analysis difficult. There is no evaluation of the effects of expenditure for services and activities for children (e.g. accessibility, quality and effectiveness of certain services for children) in various sectors.

Recommendation:

Reports on budget execution should provide transparent (systematized, complete, clear, relevant and descriptively explained) information on funds disbursed for programs and projects for children, as well as their evaluation. It is necessary to develop special methodology of data collection on funds aimed at children at the national and local level.

GENERAL PRINCIPLES

a. Non-discrimination (art. 2; SR 90-93; CO 21-24)

Although the principle of non-discrimination is incorporated in all relevant laws and proclaimed as a desirable value, Croatian society is far from being tolerant. This is evident from the UNICEF survey *Opinions and attitudes of children and youth in Croatia*³, conducted on a sample of 1000 second and third grade students of elementary and secondary schools. In children's opinion the most discriminated are **children who do not attend religious education**, then those who **live in very poor families, children of ethnic minorities**, children of **religious minorities** as well as those **not attending church**, and **children with disabilities**.

Individual cases of discrimination against children with disabilities were recorded **at enrolment in the educational institutions** (kindergarten, elementary or secondary school), when the institutions refused to enrol a child usually claiming that it cannot provide necessary conditions. **Residential segregation** and isolation of Roma settlements causes educational segregation of Roma children as well. For example, in Medjmurje County, a region in Croatia with the highest percentage of Roma population in the total population, more than 50% of all Roma children in the County are enrolled in only three elementary schools which have almost exclusively become Roma schools. The situation is similar in all parts of Croatia near large Roma settlements.

Associations concerned with welfare of children suffering from malignant diseases or rare diseases, indicate the problem of discrimination of some of the hospitalized children due to inability of their parents to stay with them during treatment because they cannot afford expensive hospital accommodation. Apart from being exposed to long-term treatment and painful medical procedures, these children are also discriminated against because of the social status of their parents.

Recommendations:

1. It is essential that the Ministry of Science, Education and Sports takes a clear, unambiguous position on **unacceptability of all forms of discrimination of children** and develops concrete measures of action and prevention.
2. It is essential to adopt **a national strategy for fighting cancer in the Republic of Croatia** with emphasis on **specificity of cancer in childhood**. It should provide for new capacities in existing health facilities or establishment of new health facilities for treatment of malignant diseases in children which will, among others, provide for necessary accommodation of parents during treatment of the child.

b. Best interests of the child (art.3; SR 94-96; CO 25-26)

Notwithstanding legal framework which frequently refers to the welfare of the child and positive reports of three courts in the Republic of Croatia (County Court in Zagreb, Municipal Criminal Court in Zagreb, Municipal Civil Court in Zagreb) it needs to be noted that **the implementation of standards of the best interest of the child still varies from case to case**, and there is no uniform practice of national

3 <http://www.unicef.hr>

authorities regarding implementation of this important standard. The fact that the case law of national courts is never published further exacerbates the situation. With regard to **preventing and reducing secondary victimization** which, according to the State report, has been successfully implemented at Croatian courts in the relevant period, a number of specific examples can be presented in which children, victims of sexual abuse, **had to give multiple testimonies about the event** which sometimes lasted for several hours.

Generally, the most significant objection directed to national criminal courts in the field relating to the protection of the best interest of the child are protracted procedures and tendency to repeatedly question the victims.

Furthermore, we consider it important to emphasize that in misdemeanour proceedings **there are no courts specialized for youth** as there are in criminal cases although the children are examined both as witnesses and as victims. In such proceedings in the relevant period, children were not questioned with the help of technical equipment (as it is still the case today) and practice has shown that children had to wait in the hallway for several hours before being questioned. The most that can be done for a child in such cases is to call for an employee of the Centre for Social Welfare who will attend the hearing before a misdemeanour court. Unfortunately, due to many duties which are placed in their authority, employees of social welfare centres are still not specialized in working with children who are victims and witnesses of crimes and offenses and in that regard, their presence in the proceedings before misdemeanour courts is mainly **formal**.

One cannot deny the fact that civil courts in contentious and extra-contentious proceedings refer to the standard of the best interest of the child, as well as, to the Convention on the rights of the child. However this does not imply that these standards are truly implemented. There are cases in practice when drastic measures were implemented, such as seizure of parents' rights to live with their children without a detailed analysis of the best interest of the child.

Problematic divorces are a separate issue, since in such proceedings a special guardian for a child with the exclusive duty of caring about the rights and interests of the child is still not appointed in situations when parents' intentions are not in child's best interest

The treatment of social welfare centres is often perceived as indifferent, superficial and with lack of sensitivity although parents or third persons report serious violations of the rights of the child (abuse, violation of court decisions on children, neglect, and exposure to an inappropriate treatment). Problems within families are often belittled and neglected or, vice versa, the procedure of adopting a child of juvenile parents and parents without legal capacity is carried out without prior analysis of the child's best interest.

The best interest of the child is also violated when hospitalized children are denied meeting and socialising with other relatives (with grandparents, sisters and brothers). Visits from brothers and sisters and even spending time with pets do not endanger health but contributes to the child's mental and physical wellbeing.

All of this indicates that in Croatia there is no systematic and permanent education of all professionals who work with children and are in position of determining or caring for their best interest. It is important to emphasize individual efforts, both of employees of Centres for social welfare and institutions for social welfare as well as judges and lawyers who are educated at their own initiative.

Recommendations:

1. For a complete and high quality implementation of the standard of child's best interest it is necessary to **educate all experts** who work with children or who make decisions on their rights and interests.
2. **Improve the status of children who are victims and witnesses in misdemeanour proceedings** with the aim of following standards of protection provided in criminal proceedings.
3. **Accelerate proceedings** before criminal and misdemeanour courts in which children appear as victims.
4. **Make the case law available to the public** in order to monitor the application of standards of the best interest of the child.
5. It is necessary to **change the current practice** of limiting encounters of hospitalized children with their loved ones. Ministry of Health should provide guidelines for opening of paediatric units for visits of relatives and other and other persons who are important in child's life.

c. The right to live, survival and development (art. 6; SR 97-100; CO 27-28)

In relation to the right to live it needs to be said that The State report does not provide complete data (tables 6 in appendix 2): **there is no data on deaths of children from violence**. Although there are a few, we consider it important to separately track and analyze cases in which children died of domestic violence or peer abuse in order to monitor the effectiveness of planned measures and to improve the protection system. Analyses of these cases generally show that the institutions did not take timely measures in order to protect children. We state an important case before the European Court of Human Rights, Tomašić against the Republic of Croatia, as an example where it was the failure of the state in

August 2006 when a mother and a child were murdered after which the European court has given a task to the Republic of Croatia to change the Criminal Code.

d. Respect for the views of the child (art. 12; SR 101-105; CO 29-30)

The State report says that the Act on Primary and Secondary Education has built in principles and legal standards for ensuring execution of children's rights to express their opinions. The Act stipulates establishing of Students' Councils in schools. However, this Council does not exercise the right of co-deciding. The competent administrative authority collects data only on whether the representatives of the Students' Council were elected but it does not provide information on student participation in school bodies or whether the students have the opportunity to express their opinion.

A special contribution to the respect of children's opinion is achieved through the activity 'Children City and County Councils' conducted by the Union of Societies 'Our Children' by establishing children's councils and through the activities of children's forum. Through these bodies Children aged 9-15 are able to directly participate and contribute to solving their specific problems, needs and rights. Their opinions

and suggestions are expressed through direct contacts with representatives of the local self government in a way that actively contributes to improving lives of local communities.

Unfortunately, the State report does not contain data on many projects initiated by the civil society and their 'good practices' that encourage children and young people to express their opinion in various ways on all issues relevant to their lives. Examples of such a practice are the workshops and competitions of debate clubs, peer mediation, eco-groups, planning games workshops, activities of scouting organizations, festival of projects 'Democratic Citizenship'. The main motivation and preconditions for children to express their opinions are trust, good communication between them and the adults, as well as a relaxed, friendly environment.

Statement from the State report which says that The Republic of Croatia has performed its duty at the legislative level of providing the child with a right of expressing their opinion is correct in a sense that this provision is built into the Family Act as well. Unfortunately, respecting a child's opinion in legal practice of civil courts is still an area with numerous dilemmas. From the legal context it is clear that the Family Act on two occasions mentions the right of the child to express his opinion. In the first instance, the expression of opinion is in relation with the right to receive information on the proceedings while in the second instance it is in relation with undertaking certain legal actions in the proceedings. In civil proceedings **it is extremely rare for a child to express his opinion in front of a judge** who usually obtains a child's opinion through centres for social welfare. In obtaining the views of a child by the court we found certain inconsistencies and incoherent approaches and opinions of judges regarding this issue. For example, in the case of a boy in a procedure in which it was decided on his encounters with his father, the court refused to hear the boy directly and decided on ordering an expensive expertise to be carried out instead, while in the procedure in which it was decided on his encounters with grandparents, the court insisted that the boy personally appeared before the court. Provisions concerning taking of certain legal actions are in the framework of the Family Act linked closely to the right of the child to express opinion. However, when it comes to their application in practice, **the courts relatively rarely permit children to undertake certain legal actions in order to realize their rights**

and interests. An example is the same ten-year old boy who wrote to the court saying he did not want forced meetings with his father. In its explanation of the decision, the court stated that the boy's letter does not constitute relevant evidence.

Furthermore, without the possibility of systematic monitoring of judicial practice (the practice not being publicly available) in cases in which decisions are made on the rights and interests of the child as is the case in the Republic of Croatia, there can hardly be enough relevant information on respecting of the child's opinion in court proceedings. Consequently, it is very difficult to establish a mechanism to control the application of legal provision on the right of the child to express his opinion.

Regarding the practical implementation of the principle of respecting the opinion of the child in social welfare institutions, the State report mentions that children and young people are active participants in the development of individual work plans. Unfortunately they are still not sufficiently involved and active in designing and implementing these plans. It often happens that their placement in an institution ends with the school year and for those few months before the end of school they still do not know where they will live after leaving the institution. They do not have accurate information on whether they will be in a residential community or with their parents or if they would have to seek a third solution. Based on this they cannot be properly prepared for release.

Furthermore, if they are placed in a residential community it can happen that they are transferred from one residential unit to another or that they are forced to change roommates without taking their opinion into account.

At youth meetings with representatives of institutions that were organized by the association Game and Forum for quality foster care, young people emphasized that their opinions are not considered or supported when it comes to choosing careers which subsequently results in decreased motivation for education and in refusing to perform imposed jobs.

Recommendations:

1. Pursuant to the Family Act and further to the practice followed in criminal proceedings in which a child is present at every court hearing, a child **should be allowed to express his opinion** before a judge and in civil proceedings. Judges in charge of family cases need to be educated and specifically trained.
2. It is necessary **to publish court decisions** in statutory disputes in order to follow the case law which will then enable implementation of a mechanism to control the application of legal provision on the right of a child to express his opinion.
3. It is necessary **to provide adequate and systematic education of representatives of relevant institutions** in the field of children's rights to express opinions.

CIVIL RIGHTS AND FREEDOMS

a. Birth registration, name and nationality (art. 7; SR 106-109; CO 31-32)

The procedure for determining and changing personal names of Croatian citizens is determined by the Act on Personal Name which was not amended since 1994. The Act is not completely terminologically compliant with other regulations so the centre for social welfare is in this Act referred to as guardianship authority which might confuse citizens using this Act because it is simply not clear or precise enough.

We consider it unjustifiable that the personal name of a juvenile child can only be changed at the request of the parent that the child lives with, while the other parent who does not live with the child cannot make such a request, it is contrary to the provision of the Family Act according to which the parents, regardless whether they live together or separately – have a common agreement on child care.

Regarding the citizenship, according to the information of the Centre for Human Rights, Roma families face numerous administrative difficulties associated with entry into Croatian citizenship which is supported by a specific example of a family of ten (father, mother and eight children). Regardless of the fact that after the parents moved from Bosnia and Herzegovina all of their children were born in Croatia neither child obtained citizenship for years. As a prerequisite for admission to citizenship a fee in the amount of 500 HRK per child was required which, considering the social status of this family, was impossible to cover. Finally the whole amount of fees was provided by the UNHCR.

Recommendations:

1. Due to the fact that according to the Family Act child care is jointly shared between parents, a parent who does not live with the child should be given equal rights in proposing changes of child's personal name.
2. Remove legal and administrative barriers in acquiring Croatian citizenship for Roma.

b. Preservation of identity (art. 8; SR 110-113)

In this field **the most problematic is preservation of identity in the media**. Regardless of the existing legal framework and education, it seems that in certain media or with certain individuals there is still lack of awareness of the need to protect the identity of the child. Particularly striking example of violation of a child's right occurred in the second half of 2010 in public television program where a father of a four-year old boy, employee of the centre for social welfare that participated in parents' divorce and a social worker which supervised meetings of father and a boy, were giving details of parents' divorce procedure providing numerous personal details including the boy's diagnosis made at the Child Protection Centre of Zagreb. This was accompanied by photographs of the boy taken at the premises of the Centre for social welfare. Considering that the identity of the boy's father was revealed this has also indirectly revealed the identity of the child along with very personal details about his health even though the child's face was blurred in the feature. Another example of a serious violation of child's rights in the media occurred in November 2009 when a Croatian daily newspaper with the largest circulation published a two page verbatim statement of a girl who gave this exact statement the day before in court proceedings charging her stepmother for abuse. The text was accompanied not only by the photographs of the girl and her family, and even the girl's full name was disclosed.

Recommendation:

Due to the large number of cases when children's rights of preservation of identity in the media were violated we recommend a special type of 'educational sanction' that would oblige the media that violated children's rights to broadcast every day for one week in prime time a half hour documentary feature on children and for the children and youth which would also be the right way of media advocacy / 'advertising' of children's rights.

c. Freedom of expression and the right to seek receive and impart information (art. 13; SR 114-117; CO 35-36)

Basic preconditions for the effective exercise of freedom of expression and the right to receive and impart information are awareness and education about these rights. Association for human rights B.a.b.e. conducted a project named "I listen, I hear, I understand" in several Croatian elementary schools in 2009 and 2010 and discovered alarming data that children between the ages of 13 and 14 do not have the basic level of knowledge about writing petitions which is definitely an obstacle for the effective exercise of freedom of expression and imparting information.

d. Freedom of thought, conscience and religion (art. 14; SR 118-119)

Religious education was introduced into schools in a way **to discriminate against students who are not Catholics** since religious classes are **part of the regular schedule** so the students who do not attend these classes have to wait in school's premises for the class to be over. Another form of discrimination is incorporation of Catholic religious content in other school activities so the prayers, religious texts and songs are performed at school events and the students of other religious orientations are constantly exposed to them. A case was recorded of questions from religious education which were found in the environmental quiz at the ecology competition which was co-organized by the Ministry of Science, Education and Sports.⁴

Smaller religious communities are discriminated against in terms of religious education. Details are contained in the judgement of the European Court of Human Rights of December 2010 Alliance of Churches Word of Life and others against the Republic of Croatia.

e. Protection of privacy and protection of the image (art. 16; SR 123-127; CO 33-34)

Problems of protecting children's privacy have been identified in several areas and here we would like to emphasize: the problem of privacy in **health care institutions**, problem of **disclosing the content of anonymous notice** on child abuse in centres for social welfare and **violations of children's rights in the media**.

Children's privacy is seriously jeopardized during treatments at oncological units. Children, babies and older juveniles are placed side by side without any criteria in generally inhumanly cramped hospital wards without any privacy even at times when they have to use the toilet or when they have other private needs.

According to the experience of the association Brave Phone, Centres for social welfare still reveal to parents the contents of anonymous notices about suspected child abuse and neglect. Having insight into the content, parents can try to guess the person who sent notice which causes many unpleasant situations that discourage those who report abuse.

In relation to privacy protection in the media, legislation is not sufficiently implemented although legal penalties for violating children's rights in the media are specified. Under the Media Act the **Ministry** of Culture is **responsible** for this Act and the **Agency** for Electronic Media is responsible for **implementation** of the Act on Electronic Media, however **in practice this is not executed** (the Ministry) or even when it is executed on rare occasions the perpetrators receive sympathetic treatment (the Agency).

Recommendations:

1. Require health institutions **to provide minimal privacy for sick children and youth** by making minimal architectural interventions in areas of children's oncological units (fronts, curtains). Health personnel need to be educated and sensitive to this issue.
2. It is necessary to commit the employees of Centres for social welfare **to protect the source of information about suspected child abuse and neglect**.

4 <http://david-udruga.hr>

3. Require that the laws and regulations pertaining to the protection of children's privacy in the media are **strictly enforced and violators consistently sanctioned**.

f. Access to information from a diversity of sources and protection from material harmful to child's well-being (art. 17; SR 128-131; CO 35-36)

The State report does not give an objective picture of the situation. Although there are legal grounds for it, **television and radio programs do not meet the needs and interests of children**. According to the experience and opinion of two prominent long-time journalists, situation is the following: 1. Commercial televisions, as opposed to public, do not respect the rights of the child; 2. Media in general do not provide enough space for children and youth and when they do it is often outside of their environment and in accordance with their opinions and feelings; 3. Children are increasingly seen as consumers and sensationalism, manipulation and instrumentalization have become instruments in attracting children's attention or in trying to draw attention to children.

There are fewer programs that show children's interests and how they live - meaning that they are followed in their surroundings. Commercial televisions provide entertainment, appearances in shows of dubious quality and commercials. Regardless of all the passed laws which protect children from abuse, it is still present and sanctions are weak. Children and parents are not aware of how they are modeled by commercial programs, how their values and preferences are formed. The media themselves are unaware, or if they are remain indifferent to the fact that they produce models of behavior or lifestyles deprived of human dignity.

Huge potential of television which is insufficiently exploited for children's well-being is also evident from the research of the UNICEF Office in Croatia "Opinions and attitudes of children and youth in Croatia". Watching television is their second leisure activity (first being friends). Children clearly say that they are attracted to programs for grown-ups where they learn about the world and human relations. The children themselves state that there should be fewer programs which are inappropriate for children ("dirty programs, where people are naked, where there is vulgarity"). Young people emphasize that TV program should cover more health topics, sexuality topics, drug, alcohol and cigarette addictions, school topics and generally more topics covering their everyday lives. They also find reporting on youth in the media to be partial and with too much prejudice.

We emphasize that despite the solid legal framework, children are still exposed to inappropriate media content, especially on commercial television stations – violence, inappropriate sexual content, TV games and advertisements inviting them to participate by calling a special number with special (higher) price. Unfortunately, the public television sometimes also broadcasts very violent cartoons of low quality. The bodies responsible for monitoring do not respond promptly and consistently.

We also warn that availability of pornographic content is a notable problem since children are exposed to such content from shop windows to daily newspapers that advertise pornographic services. Too little is done to inform and educate parents on how to protect children and, on the other hand, there is no real willingness to sanction violators.

Recommendation:

It is necessary **to stop tolerating non-compliance with legal provisions** that protect children from inappropriate content in print and electronic media and require a reconceptualization of the media policy that will take into account the interests and rights of children.

g. Prohibition of torture or other cruel, inhuman or degrading treatment, including corporal punishment and measures of recovery and social reintegration (art. 28(2), 37a & 39; SR 132-137; CO 37-38)

The public has learned through the media on some extreme cases of violence against and among children in social welfare institutions. For example, *Home for the upbringing of children and youth Osijek* where it was discovered that some of female wards participated in prostitution and Educational Centre in Bedekovčina where juvenile girls were victims of sexual abuse. In this regard, it is of special concern that investigation of the circumstances from the media was not conducted, perpetrators have not been identified or brought to justice as far as it is known to public. This certainly sends a negative message to the Croatian public since it leads to conclusion that state authorities tolerate this kind of abuse.

Cases of **peer violence** are also frequent in these institutions. Obviously some of them can be accounted to negligence which results in **faulty professional work and ward supervision**. An insufficient number of qualified staff and lack of cooperation with centres for social welfare, schools that wards attend, medical institutions and institutions involved in child protection is a fertile ground for tolerating violence against and among children which seriously undermines the purpose of their placement in such institutions.

Despite the fact that **corporal punishment of children** is prohibited by law, it is still present as an educational method in the family. Continuation of efforts in promoting education without corporal punishment with an aim of efficient child protection is still needed. It is necessary **to develop programs for learning parenting skills**. Particularly lacking are intensive programs aimed at helping vulnerable families where an educated professional would, for a certain period each day, help parents with developing parental skills and thus attempt to provide conditions for keeping the child in the family rather than sending him away. In Croatia only supervision of parental care measure can be imposed. This measure is implemented through one meeting per week or less, so the use of violent educational measures is often tolerated since it is considered less damaging than the separation of children from their families.

Educational activities for parents organized at kindergartens and schools are often avoided by the same parents who would need them the most. In that regard there is **a lack of elaborate mechanisms** which would involve the parents at risk of negligent upbringing into support and monitoring system and thus prevent the development of behavioural problems.

Recommendations:

1. It is necessary to urgently **improve working conditions** in social welfare institutions for socialization of children and youth, from the number of experts to improving ward accommodation with special attention to the organization of work and interventions that will tackle real problems and needs of children. Furthermore, **continuous professional development and supervision** of employees are essential as well as regular work supervision.

2. It is necessary **to conduct systematic child abuse prevention programs** in social welfare institutions to increase children's awareness of different forms of violence, decrease tolerance to violence and increase their willingness to report.
3. It is necessary to work on **establishing a network of social services for parents** where they will be able to acquire skills for appropriate and successful parenting and especially to develop access to high-risk parents.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

a. Family environment and parental guidance that takes into account the evolving capacities of the child (art.5; SR 138-139; CO 39-40)

Institutional framework for consulting and encouraging parental responsibility for children is provided by the Centres for social welfare and family centres. Function of these two types of social institutions at community level has not proven to be a complementary partnership. Family centres are primarily focused on preventive activities while Centres for social welfare focus on curative and preventive measures. Family centres are left without public authorization and also without supervision and necessary professional support. The efficiency of their work has largely depended on individual interests and professional capacity of employees, primarily managers of Family centres. Communication problems are often reported in practice with local Centres for social welfare, particularly in relation to consultation in the mediation process during divorce procedure since Centres for social welfare and Family centres have different roles within the system.

In the new draft of the Social Welfare Act from October 2013. Family centres will be an integral part of Centres for social welfare, and are planned to provide more services to beneficiaries, therefore taking over some burden from the insufficiently staffed Centres for Social Welfare. However, since there are no plan still to strengthen the Family Centres with additional staff, there is a sincere doubt of putting this new decision into practice, since Family centres are mostly understaffed and have very low capacity to provide new services to the beneficiaries of the social welfare system.

We estimate the functioning of the social welfare system to be insufficiently effective and sensitive to problems and needs of children and youth. The reasons can be found in a range of objective and subjective factors. Over the past twenty years the Republic of Croatia has undergone a period of transition associated with a number of dramatic social, political and economic changes further exacerbated by the war and its disastrous consequences. Much of the population has experienced different levels of loss of social security which resulted in an increase of problems related to violence, alcoholism, delinquency, domestic violence, disrupted family relations and values, psychological and health problems, poverty, caring for displaced persons and refugees, violence among children and youth etc. The problems have expanded and the state welfare system was left without institutions that have ensured monitoring and development (institutes for social work). The system is depleted of personnel and organization has stagnated which all reflects lack of interests from the state.

Recommendations:

1. Considering that the social welfare system does not have an **institution** which would ensure development and continuous professional support for its employees, it is necessary to **urgently establish one**.
2. It is necessary to establish **compatibility of social service institutions** at the local level and harmonize coordinated action of Centres for social welfare and Family centres in relation to detection, recovery and mitigation of social risks.
3. It is necessary to develop new, more intensive measures to help families at risk.

b. Parents' common responsibilities, assistance to parents and the provision of childcare services (art. 18; SR 140-143; CO 39-40)

State policy towards families and children is inconsistent since, on the one hand, it is constantly emphasized that it is a national interest while there is a whole range of practical problems. It is evident already at the level of preschool education: **lack of sufficient capacities of kindergartens and no clear strategy for development of preschool education**. Parents are uncertain whether there would be enough places for their children in kindergartens. Also, the coverage of children attending preschool has not been satisfactory. This is especially true for Roma children (SR, Appendix 2, and Table 20.r): in 2009/2010 there were only 370 children in kindergarten and 180 in preschool.

Within the larger concern for the quality of life of children and families we emphasize that the state should work energetically on encouraging employers in creating working environment that favours children and families. There is a strong pressure on employees, which also means parents, to work longer hours. Kindergartens and schools in particular, do not meet parents' needs for providing quality care for their children while they are at work. It needs to be asked whether it is acceptable for a state to tolerate such pressure on employees where parents are exposed to enormous stress since they do not know how to take care of their children for most of the day. Too little is done in promoting different solutions in Croatia which are in the interest of children and families: the possibility of part-time work, flexible working hours, work from home, days off for taking care of a sick child, qualified nannies, kindergartens / schools that work all day, etc. The current climate in which parents work does not seem to be in favour parenting, so the basic children's rights are compromised. The emphasis should not only be placed on greater institutionalization of early education but also on variety of benefits for parents which would enable them to spend more time with their children.

The institute of Supervision of parental care, although simple and uncontroversial at first glance, over the last few years has become very controversial. Most complaints are raised over its lack of transparency, lack of legislative framework, lack of criteria for selecting supervisors, lack of criteria to monitor and evaluate the competence of their work and disproportionate intrusion into the privacy of individuals or families. In accordance to legal wording this measure is always pronounced to both parents which can be a problem in case of divorce when one of the parents is violent in communication.

Supervising measures regarding the execution of parental care are imposed by the centres for social welfare (Article 110, Paragraph 2 of the Family Act). The problem is primarily in **the selection of a supervisor** which is an obscure process for the client. In practice supervisors are frequently inexperienced in dealing with existing conflicts of the parties, their characters, inappropriate reactions and even with new violence. There are frequent situations of siding with one parent, often times even the violent one, so the other parent complains about the supervisor's work. In our experience these complaints are not met with sympathetic eye in the Centres for social welfare. In certain Centres for social welfare parents encounter huge problems in obtaining supervisor's monthly reports and in some cases centre's employees refuse to submit these reports which represents violation of the right of the party to inspect the file. With regard to the content of certain reports, there is no uniform structure so there are huge differences regarding their content from one centre to the next. Due to all of this it is necessary to regulate these issues by taking appropriate subordinate regulation.

A decision on implementation of supervision that is rendered by the Centre for social welfare can be appealed at the Ministry of Health and Social Welfare, the appeal serving as a control mechanism.

However, considering inertia of the system, such **appeals are resolved extremely slowly** so there are situations in practice when parents appeal the decision on implementation of supervision and the time estimated for supervision elapses before the Ministry reaches a decision on the appeal.

Since October 2013, the fee for external experts providing the measure of supervision of parental care has been drastically lowered from 400,00 kn (53 eur) per month to 100 kn per month (13 eur), forcing a very large number of external experts to stop providing the measure, leaving already overburdened social workers in the Centres for social welfare in an impossible situation of taking care of much larger number of cases of supervision of parental care every month.

Recommendations:

It is necessary to establish a **normative framework** to implement the control measures of parental care, **to define procedure of selecting supervisors**, their qualifications, criteria for monitoring and evaluation of their work and mechanism of filing appeals against their work by the parties involved. Furthermore, in order to help families, it is necessary **to anticipate other measures** that will match the needs and recognized family problems.

c. Recovery of maintenance for the child (art. 27; SR 151-152; CO 43-44)

Payment of maintenance for a child by a parent who does not live with a child is still problematic in practice. Despite amendments to the Family Act of 2007 which have given wide powers in judicial procedures concerning the protection of the rights and interests of children, they are rarely implemented in practice. The practice is almost devoid of cases in which the centres initiate procedure in order to establish maintenance for a child and that initiate distraint against a parent who does not pay maintenance, yet the initiative to activate the procedure has to be taken by the parties. It has been noticed on a number of occasions that when a parent is seeking temporary maintenance for a child, s/he is asked to provide evidence of initiating distraint against the other parent or of taking some other measures in order to collect maintenance together with the evidence of filling criminal charges. This procedure is not prescribed by the Family Act; however, certain Centres for social welfare choose to follow it. It was noticed that the centres do not consistently advise the parties on their rights to temporary maintenance of children if the other parent does not pay maintenance, under the terms of the Article 352 of the Family Act. The Family Act in its Article 236 prescribes that the court shall instruct maintenance payer that s/he can give consent which will be entered in the records at the court hearing, or given at the centre for social welfare or in a form of a specially certified document, that, in order to pay the claim of the parent authorized for maintenance, distraint of salary, pension or other earnings shall be executed and payments will be made directly to the parent authorized for maintenance. Although this is a valuable provision, the cases in practice when, at the hearing, the courts instruct maintenance payers to give this kind of consent are almost non-existent. Furthermore, there are no cases in practice in which the courts, by virtue of the office, enforced distraint in order to collect maintenance in a way prescribed by the Article 350 of the Family Act.

Article 352 of the Family Act provides a possibility that in case of final decision on maintenance, the state undertakes maintenance under certain conditions and restrictions. This provision is flawed in that the right to temporary maintenance is acknowledged with the date the request is submitted, or the date of initiation of proceedings by virtue of the office taking into account that terms for initiating proceedings

are realized only after the maintenance payer had not paid maintenance for longer than six months without interruptions, or for six months with interruptions within the seven month period, which leaves a child without maintenance for a longer stretch of time. Further limitation of the provision on

temporary maintenance is that the temporary maintenance is not paid in full amount and can last no longer than three years. Collecting maintenance from a parent can be a daunting task primarily because a number of maintenance payers in the Republic of Croatia work on the black market so it is not possible to distraint their salaries or other regular earnings in order to pay maintenance. Other property that could be used to collect maintenance oftentimes formally belongs to another person or represents property of a legal entity in which maintenance payer has an ownership share.

Even initiating criminal proceedings against the maintenance payer rarely solves this type of situation. In criminal proceedings against maintenance payers conditional sentences are generally declared under the so called double condition meaning that the court stipulates that a sanction (imprisonment) shall not be executed if, within probation period, the convicted person does not commit similar criminal offense and if, within a certain period, s/he pays all due maintenance instalments. If the maintenance payer had not paid maintenance within the timeframe designated by a court judgement, a parent claiming maintenance payments should then initiate revoking of the conditional sentence at his/her own expense. It often happens in practice that in the process of revoking of a conditional sentence, the hearings are postponed in order to provide an opportunity for the maintenance payer to fulfil his/her obligation. Since revoking procedures are neither quick nor efficient, it often happens that the procedure is suspended considering that the conditional sentence can no longer be revoked after a period of one year after the probation period has expired. After the expiration of probation period, the maintenance payer can still continue with unlawful behaviour.

We also consider it necessary to indicate the position of court practice in criminal proceedings whereby if the maintenance payer pays less than awarded by court, even if this is a symbolic amount, it is considered that there is no criminal intent and therefore no criminal responsibility, which certainly favours parents who do not want to pay maintenance for their children.

The Family Act contains an interesting provision stating that if a parent fails to support a child, grandparents of that parent are obliged to support the child. Although this is a very valuable provision which can potentially solve numerous life situations related to child support, unfortunately there is no data on its implementation in practice. If case law regarding this provision exists, it is sadly not available to the public or to attorneys practicing family law.

Recommendations:

1. **Make** case law related to child maintenance **easily accessible on the Internet.**
2. **Educate** parents about the necessity of paying maintenance.
3. **Increase efficiency of the judicial system** to prevent manipulation regarding maintenance payments.
4. **Systematically educate employees** of Centres for social welfare on this issue.
5. **Increase the amount and extend the period** of temporary maintenance paid by the state.

d. Children deprived of family environment/ parental care (art. 20; SR 153-156; CO 41-42)

Foster care for children, as a form of child protection when it is necessary to place a child outside the family (children without appropriate parental care) was mainly available in rural areas which has from

the start significantly **reduced possibility of providing and using services of professional support to foster parents and children**. Foster parents were often left to themselves, burdened with numerous problems they encountered in daily care of children placed in their families. Additional problems in the area of foster care were age and educational structure of foster parents. Nearly half of the total number of foster parents is over the age of 50, while a number of foster parents with college or university education are negligible.

One of the priorities of social sector reform (2003-2008) pertained to the area of de-institutionalization of social services. In this period significant cooperation has been established between the Association for initiatives in social policy and the Ministry of Health and Social Welfare in numerous activities aimed at educating professionals and foster parents to improve the quality of foster care for children as an alternative to institutional care. This ultimately resulted in establishment of the new model of foster care for children in the Republic of Croatia. Foster care has spread to parts of Croatia where it has not been previously developed which has directly contributed to meeting the child's best interest and to reducing institutional placement for children. The Act on Foster Care was first adopted in 2007 which has significantly contributed to further development and increased visibility of foster care.

Unfortunately, in the middle of 2011 the new Act on Foster Care was passed which, according to the employees of Centres for social welfare, is an additional burden on the social welfare system with clear indications of the collapse of practice established within the last 8 years. Announced adoption of the new Act on Foster Care in 2012 further exacerbates legal insecurity in this area.

When it comes to children who are placed in institutions for children, not enough is done in preparing them for an independent life once they leave the institution. Thus it happens that the existing measure of co-financing employment of young people who have left institutions for children and which is sponsored by the Croatian Employment Service in 2010 was never used by a single young person. This indicates a lack of awareness of young people, institutions and employers of the existence of this measure.

In October 2012. The Ministry of social policy and youth started a project of Deinstitutionalisation funded by the EU commission from the IPA-4 program line, which is aimed at transformation and deinstitutionalisation of institutions that provide social services, which includes all children's homes in Croatia. In the middle of the project the results are very discouraging, with extremely non-transparent process toward the relevant stakeholders, especially the local and regional government and civil society.

From 2010. to 2013. , there have been two changes in the Social Welfare act and the third one is expected by the end of the year which results in legal insecurity and the inability to complete the reform of alternative child care system in Croatia.

Since 2013. Special counsellors in the Croatian Employment office are available for young people from care who are unemployed, where they can get additional support in the process of finding suitable employment.

In the process of transformation and deinstitutionalization of child care institutions the Ministry of Social policy and youth does not recognize civil society as partners in the implementation of social services in the community as reflected in the reduction of three-year grants in 2011. and the abolition of state aid in the 2012, the absence of a mechanism for social contracts which threatens to collapse the existing network of community services provided by the civil society associations-effects the lack of social services in the local community.

In 2013. The process of programming for the European Social fund has begun. Lack of transparency in programming of the European Social Fund and the inability of civil society's participation in programming creates a risk the money will be misused in infrastructural projects and maintenance of existing

institutionalized system, rather than creating a new system of social services for children and families at risk in the community.

One of the rights of children and youth in institutions is adequate medical treatment. Unfortunately, these children as well as those in foster families chronically lack access to services in the field of mental health.

Recommendations:

1. Intensify activities related to the implementation of social reform in the de-institutionalization segment. Implement transparent programs of de-institutionalization in institutions for children, introduce innovative daily programs for children and families at social risk and improve cooperation of Centres for social welfare and institutions for social welfare to meet the child's best interest.
2. Permeate non-institutional forms of care for children who need placement outside their own families, particularly foster care for children ensuring quality and continuous professional support and supervision of foster families.
3. Include monitoring of the funds derived from European Social Fund to prevent misuse

e. Adoption, national and inter-country (art. 21; SR 159-162; CO 47-48)

The State report does not mention the judgement of the X against the Republic of Croatia of the European Court of Human Rights, No. 11223/04 from 17 July 2008 which is relevant to the issue of adoption. Although in this particular case the applicant to the European Court was not a child but a mother who did not participate in adoption proceedings, we find this judgement to be relevant as it covers the matter of adoptions and, together with all other judgements of the European Court of Human Rights, represents a source of law for the Republic of Croatia. Specificity of this case is that the applicant, who was in the relevant period deprived of legal capacity, complained about the adoption of her daughter. In particular, she complained about the fact that she was not a party in the adoption procedure, that she has never given her consent for adoption and that she has never been informed that such a procedure has been initiated. In addition, none of the other members of child's family have been heard in the procedure. Thus, even though her parental rights have not been formally revoked, all ties with her daughter have been completely severed without her consent.

We believe that the State report should say **how this judgement of the European Court is implemented in practice**, or in what way are parents deprived of legal capacity enabled to participate in adoption proceedings, however, the report contains no data on this issue.

We note that the State report does not refer to a single ruling of the European Court of Human Rights against the Republic of Croatia, even though the decisions of this court are binding for the Republic of Croatia and national bodies, while, at the same time, the number of these rulings relating to the Republic of Croatia is increasing daily. Their significance lies not only in protecting individual rights, but also in criticizing the existing system and therefore we believe that these court rulings should be seen as a **relevant factor in compiling the report** and we recommend that in the future these **decisions be included in the periodic reports on the implementation of the Convention**.

f. Illicit transfer and non-return of children (art. 11; SR 163-164; CO 45-46)

Regarding implementation of the Hague Convention on the Civil Aspects of International Child Abduction, the State report only provides data on a number of procedures, however, it would be important to know the duration of each individual proceeding under the Convention, given the notoriously slow pace of domestic legal institutions. Unfortunately, data on duration of proceedings and their outcomes is missing. In the process of drawing up the Alternative report, we came across information on a case initiated by a New Zealand citizen in May 2008. Two hearings were held during the proceedings spanning almost a year (November of 2009 and September of 2010). In the meantime the Centre for social welfare informed the court that the child is well adapted to Croatia. Such conduct **has completely missed the target and the purpose of the Convention on the Civil Aspects of International Child Abduction** since the Convention emphasizes urgency of the procedure and child's return to former residence and not adapting to the new environment. At the end of 2010, more than two years after applying for the return of the child, the applicant voluntarily withdrew from further proceedings. It is evident from this example that the proceedings for the return of the child lasted for too long which is why, in order to better respond to this part of the report, we consider it necessary to obtain data on duration and outcomes of all the proceedings under the Hague Convention, however, this **data is sadly unavailable** although we made a telephone request to the competent authority.

Recommendation:

It is necessary **to increase the speed and efficiency of the proceedings** conducted under the provisions of the Convention on the Civil Aspects of International Child Abduction.

g. Abuse and neglect, including physical and psychological recovery and social integration (art. 19 & 39; SR 165-167; CO 49-50)

At the first glance **positive improvements have been made** in legislation, strategic and programmatic orientation, education of representatives of authorized institutions, networking, research, preventive activities and assistance to victims. However, **the results are missing**. Violence against children and among children as well as neglecting children requires much more cross-sectoral cooperation and especially much more meaningful preventive work.

In the field of research, education of specialists and treatment of victims, Child Protection Centre of Zagreb plays a prominent role. Here are some of the results from numerous studies conducted by this institution⁵:

5 www.poliklinika-dijete.hr

- 16% of children have been exposed to physical abuse, 16,5% to emotional abuse and 18% to sexual abuse.
- 56% of pediatricians and 43% of other medical professionals has estimated that they have only recently learned of the problem of abused and neglected children
- 57% of pediatricians and 54% of other medical professionals say that they have very rarely, and 39% pediatricians and 21% of other medical professionals that they have sometimes suspected child abuse and neglect.
- 81% of children have Internet acces in their home, out of which 49% have acces without adult presence and supervision, while 46% report that their parents are sometimes present.
- 54% of children unintentionally came across a web page with sexual content or links to such content .
- 24% unintentionally received an e-mail that advertised pornographic web pages or that had links to such pages.
- 41% of children were asked intimate questions about themselves, their bodies or other sexual questions during Internet communication and socialising.
- 39% of children say that somebody who they met over the Internet asked them to take their own picture or video of sexual character but they refused, while 6% say they have taken and sent pictures.
- 31% of children say that a person they met over the Internet sent them his/her picture taken with his/her clothes off.
- 14% of children had gone to meet their on-line friend whom they have never met in person, out of which 37% had gone to a meeting alone without any company.
- 98% of children have their own cell phone. 10% of them received unwanted pornographic and sexual text messages. 23% of them have taken pictures / videos on their cell phone of their peers fighting or engaging in other violent behavior.

Centre for Education, Counselling and Research (CESI) has conducted a research on the adolescent population of gender-based violence in adolescent relationships (2007)⁶. 87% of respondents had been in a relationship. 28% of them keep company with a person behaving violently in a relationship if they are part of the same group of friends. 20% of adolescents personally know someone in an abusive relationship. 79% of young people consider violence in adolescent relationships to be a serious problem. 70% of adolescents experienced at least one form of violence in a relationship, and 43% of them at least once acted violently towards their partner. Emotional and psychological abuse in a relationship is the most common (extreme jealousy, possessiveness, and controlling, blaming, emotional blackmail). 7%

were pressed to have sex that they were not prepared for, while 4% were blackmailed that they would be left if they didn't consent to sexual relations. 3% of young people were forced into having sex.

Systematized information on sexual violence in Croatia is provided in a report by the association Women's Room 'Sexual violence in Croatia 2000-2010' (2011)⁷, which analyzes data on sexual violence reported to the police, data on victims and perpetrators and published professional works as well as research conducted in Croatia. In the period of 2000-2010 a total of 6685 persons were affected, out of which most are victims of indecent assault (34%), rape (18%), sexual gratification in front of a child or a minor (15%) and sexual intercourse with a child (10%). The most common victims by age are children (32%) and juvenile persons aged 14-18 (30%). Children are most often victims of indecency (38%), sexual gratification in front of a child (28%), and sexual intercourse with a child (16%). Juveniles are most often victims of indecency (35%), sexual gratification in front of a juvenile person (16%), sexual intercourse with a juvenile person (14%) and rape (13%). Children and juveniles are also among perpetrators of

6 Volence does not go away on its own – Report on the investigation of gender-based violence in adolescent relationships in the Republic of Croatia (2007), <http://www.cesi.hr/hr/nasilje-ne-prolazi-samo-od-sebe/>

7 <http://zenskasoba.hr/docs/Seksualno%20nasilje%20izvjestaj%202011.pdf>

criminal acts of sexual violence: children under 14 were perpetrators in 2.2% of cases (mostly sexual intercourse with a child and indecent assault), while juveniles between 14 and 18 in 9.6% of cases (mostly indecent assaults, sexual intercourse with a child and rape).

The current situation is characterized by **unsystematic approach to prevention** which is evident from numerous programs of dubious quality and efficiency. National Strategy for the Prevention of Behavioural Disorders Among Children and Youth 2009-2012 also points in this direction⁸: “From the report of the Ministry of Science, Education and Sports it can clearly be seen that there is a variety of prevention programs (both general and specific), forms of education (special, personalized, learning support, extended professional stay, etc.) which is implemented in elementary and secondary schools in the Republic of Croatia by schools’ employees, hired associates, different associations or other institutions. There is a lively atmosphere in the educational field although it is not quite clear what is specifically being done, with what purpose, who are the recipients, how long it would take and what are the final results.”

Contribution of civil society organizations is significant in the field of prevention; however it is insufficiently supported and recognized by government bodies and LRSK. Formalising this cooperation by signing a Memorandum of cooperation would ensure **stable and systematic application of certified quality prevention programs** which would result in more tangible results than is the case now. Example of good practice in contributing to the prevention of violence among children has been effectuated by the UNICEF Office for Croatia by developing and implementing the program *Stop violence among children*⁹ in elementary schools which has managed in reducing school violence by 50% in five years in schools that actively participate in this program!

As for the office for protection and support to victims and witnesses (SR § 177.), so far these have been limited to a small number of courts. **The interests of children are most at risk at misdemeanour courts**, since the majority of these courts do not employ expert assistants. Misdemeanour courts generally have poor infrastructure – there are no special rooms for children, technical equipment is not used in hearings, etc.

Recommendations:

1. It is necessary **to improve intersect oral collaboration** as well as education of all who are in any way involved in prevention of abuse and neglect of children.
2. Implement **networking of state institutions and civil society organizations** in order to develop a systematic approach to prevention and combating child abuse and neglect and with the purpose of effective treatment and support to children who are victims.
3. It is necessary **to develop and make available support for the victims**, but also treatment programs for persons who behave violently.
4. **Improve the system of protection and support** to children who are victims and witnesses in courts.

8 www.dijete.hr

9 www.unicef.hr

DISABILITY, BASIC HEALTH AND SOCIAL WELFARE

a. Children with disabilities (art. 23; SR 179-193)

Support system for children with disabilities is **very unevenly developed**, and the problem is particularly pronounced in rural areas. Many schools do not have necessary conditions for their proper education, there is lack of expert and teaching assistants and teachers are not sufficiently educated. Work with these children still heavily depends on individual readiness and willingness of individual teachers to engage in providing adequate support, especially in cases of greater disability and educational problems.

In many local communities there is a problem of choosing adequate professional training since these programs are often out of sync with changes at the job market, so finding a job is even more difficult. Moreover, no one is obliged to employ them.

The State report (§ 183.) says that a proposal of the Ordinance on Education and Appropriate Support to Pupils with Difficulties in Primary and Secondary Schools has been made. It is important to emphasize that a new Act on Primary and Secondary Education was adopted in July 2008 and that the **relevant ordinances should have been adopted within one year period at the latest, however, this was never realized**. This explains why the provisions of the new Act are colliding with still valid old Ordinance on Primary Education of Pupils with Disabilities from 1991. For these reasons, there are no standards of implementation of the Act across the country and it happens that local authorities are left to decide which students will be eligible to teaching assistants, while schools are left to choose which children to enrol and which to refuse, etc. School nor the assistants are not familiar with the role of inclusive assistant. Instead of the assistant actually assisting the teacher with children according to their needs, he is isolated in the classroom together with the student. The described situation results in high percentage of violations of the rights of children with disabilities to regular education due to the absence of secondary legislation (Ordinances) that would regulate rights, obligations and sanctions for failure to comply with the Act.

The State report (§ 184.) says that the Croatian National Education Standard stipulates that a school can provide a teaching assistant. We emphasize that the National Pedagogical Standard does not prescribe obligations and standards but only provides opportunities that are often ignored by school principals and local authorities. Consequentially, the absence of the Ordinance results in a large number of children with disabilities who are **denied enrolment** in regular elementary and secondary schools solely due to their disability, which represents **discrimination and violation of rights of children with disabilities to education under equal conditions** (The Constitution of the Republic of Croatia). Furthermore, the Constitution says that education of children with disabilities must not be an additional financial burden for their parents. Due to the absence of implementing and subordinate regulations it often happens in Croatia that **parents themselves need to finance teaching assistants** if they want their child to exercise the right to education under equal conditions. This type of education represents an additional cost for parents in the amount of 2.800,00 kn.

Out of the total number of children with disabilities, approximately 10-20% is expected to need a teaching assistant. Considering the fact that (SR §185.) in the school year 2009/2010, 13 885 students with disabilities were included in regular education it would imply that between 1380 and 2700 of them needed a teaching assistant, and, according to the State report (§ 184.) only 209 students received one!

In 2013. The Ministry of science, education and sport has 5% of students registered as students with special needs, which is a significant improvement in recognizing difficulties. New data shows that

approximately 800 people work as assistants, often through the measures from the Croatian Employment office, and not as regular work positions.

By enrolling children with disabilities in regular education without providing a support system, the state **does not ensure a right to education under equal conditions**. The consequence of this is probably insufficient surveillance of the enrolment process for children with disabilities in regular education and lack of sanctions for the institutions that refuse to enrol them.

The State report (§ 185.) also displays certain misunderstanding of terminology. There are several types of arrangements of the appropriate form of education: education in regular conditions with an individualized approach, education in regular conditions with adapted program, education with partial integration and education under a special program. The same paragraph states that a certain type of education is based on a specific difficulty. This categorization is built on a medical model based on assessment of child's weaknesses as well as the level and type of impairment. Modern outlook suggests using a social model (WHO) in dealing with difficulties which emphasizes child's strengths and capabilities and thus serves as a basis for support programs. Categorization based on the level and type of impairment is outdated since it is built on the Ordinance on elementary education of students with disabilities from 1991 according to which students are grouped into programs depending on their diagnosis.

There are still some educational institutions and public areas with physical barriers that make it difficult or impossible for children and young people with disabilities to actively participate. In relation to the project 'Network of schools with no architectural barriers' (SR § 190.) we would like to draw attention to several risks. Inclusive school implies a wider adjustment of the entire environment and not just removal of physical barriers: it implies that the entire school staff is trained on education of children with disabilities, teaching assistants for students who need them, sensitive and accepting environment and various school equipment and didactic devices. Another risk relates to the selection of certain schools that 'specialize' in students with specific disabilities since they are equipped to accommodate such students. This creates a **separation of students** according to the type of disability within regular educational institutions. Also this prevents children with specific disabilities from attending the school that is nearest to their place of residence, which is their right stipulated by law.

Recommendations:

1. Urgently **adopt secondary legislation** that would allow adequate implementation of the **provisions of the Act on Primary and Secondary Education** that relate to students with disabilities.
2. Clearly **define financing of teaching assistants** and other support systems for students with disabilities and enable employment of a number of professional staff in schools (educational and rehabilitation experts, pedagogues, psychologists)
3. With the process of deinstitutionalization transform special institutions for children with disabilities into Centres for providing support, which will provide support in the local communities with the mobile team services
4. Introduce **the social model philosophy of disability** (WHO) and **abandon usage of the medical model** which would facilitate changes in the attitude of educational personnel. Encourage schools to practice **inclusive policy**.
5. **Adapt the vocational programs** offered to children with disabilities in high schools to the changes and requirements of the job market which would serve to facilitate their employment.

Form **centres for vocational rehabilitation** in larger cities which would provide concessions for certain jobs exclusively to people with disabilities. Stimulate employment of youth with disabilities by providing government stimulus measures.

b. Health and health services (art.24; SR 195-232; CO 51-52)

Implementation of the program of promoting breastfeeding

After the activities of promoting breastfeeding and active support for the program 'Maternity wards – friends of children' has stopped in the period 1999-2006, *The National Plan of activities for the rights and interests of children 2006-2012* is restored as one of the priorities in ensuring healthy diet for every child. Furthermore, National Population Policy (2006) requires ensuring systematic and comprehensive implementation of the program 'Maternity wards – friends of children' so the Ministry of Health and Social Welfare and the UNICEF Office for Croatia restart the program in 2007. Analysis showed that none of the maternity wards has fully implemented the activities contained in '10 steps to successful breastfeeding' so a new cycle of educating health personnel was started since **all maternity wards were violating International Rulebook** on marketing and sale of breast milk substitutes.

We emphasize that after distribution of packages 'Happy baby' had stopped, it was continued through pharmacies. In the process of distribution, pharmacies collect data on children and use them to send marketing material aimed at children and their parents. In addition, a package aimed at pregnant women is distributed at gynaecological clinics with a publication 'To carry a life' that continues to advocate use of substitutes and not breastfeeding.

So now we have a situation where mothers and children are formally protected in maternity wards, but later they are left exposed to uncontrolled marketing of breast milk substitutes by baby food distributors through pharmacies and agencies.

Mental health protection for children and youth

Mental health protection system for children and youth is extremely neglected. There are only 16 subspecialists who deal with mental health of children and youth and a few hospital beds in Zagreb, Osijek and Rijeka¹⁰ for over 800 000 children and young people. In addition, there is an acute problem of poor networking and collaboration and consequently lack of coordination in the work of institutions and professionals involved in child protection. This situation particularly affects schools and social welfare institutions that are in need of support of mental health protection system in order to timely identify measures in cases when mental health of children and youth is impaired.

Children suffering from malignant and rare diseases

In treating children suffering from malignant and rare diseases there are numerous instances that represent a threat to their basic rights.

Humanisation of hospital treatment of children was started back in 1999 through a program 'For a smile of children in hospital' by Union of Societies 'Our Children' Croatia, Croatian society for preventive and social paediatrics and Paediatric society of the Croatian association of nurses. Despite many positive developments, it often happens that parents' visits to children are limited, short and sometimes prohibited although there are no legitimate medical reasons for this. It does not require any special financial investments; a comfortable chair next to the child's hospital bed is enough for parents. A

10 Hrvatska liječnička komora (<http://www.hlk.hr/1335>)

practice that is carried out in some hospitals, the parents offered accommodation in hospital suites that are expensive to apply - is inappropriate and only leads to discrimination among children depending on the financial resources of parents. It is still possible to hear doctors complaining that the biggest problems in treating sick children are *parents*. A child who is depressed and beginning to show signs of posttraumatic stress disorder is often described as 'finally good and cooperative' by medical staff. **Educating medical staff** and providing systematic personal psychological support to medical workers and raising awareness for the needs of children contributes to better understanding of children's' needs and changes negative attitudes toward parents staying in hospital with their children.

Humanisation of hospital treatment of children suffering from malignant and rare diseases is still far from desirable. Malignant diseases are the second leading cause of death of children and youth. Treatment is long and difficult. **Total capacity for treatment of malignant diseases in childhood has not increased in Croatia in the last 20 years. Number of doctor specialists of paediatric oncology is far from sufficient. Health authorities are doing nothing to meet the shortfall.** It happens that the treatment gets delayed because there are no available beds and accommodation in certain wards is almost inhumane. There are instances when the **rights defined by the Act on Protection of Patients' Rights are being violated:**

- ✘ The right to co-determination and the right to information – children and their parents are often not informed about the progress of the disease and treatment procedures.
- ✘ The right to accept or refuse medical treatment or surgery – children and parents are often not informed about the medical treatment or a procedure that follows, not to mention that they are not been asked for an approval
- ✘ The right to confidentiality – often violated, medical personnel shout diagnosis and other confidential information out loud in the presence of strangers
- ✘ The right to privacy – children and youth at children's oncology wards are often placed in inhumanly cramped conditions side by side without any criteria, deprived of any privacy
- ✘ The right to maintain personal contacts – the right to visitations is denied without legitimate medical reasons
- ✘ The right to access medical records – a parent who requests access is often rejected even with harsh verbal comments
- ✘ The right to compensation - cases were recorded of medical errors when a child suffered irreversible health damage; in efforts to receive compensation parents faced resistance of the health system to recognize and acknowledge the error
- ✘ The right to the second professional opinion – when a parent asks for a second opinion, doctors often perceive this as disrespect and a threat. After such reaction, parents of a sick child often give up on their right to a second professional opinion

The program of psycho-social assistance at children's oncology wards is flawed; often there is no specialist (psychologist) who would implement it so the children are often deprived of professional assistance and an opportunity to build a relationship with someone they can trust during their long hospital stay. Also, there is no professional supervision and monitoring of these programs.

The role of social workers in health institutions in preventing situations resulting in long-term social exclusion of sick children is not recognized enough, parents even do not know that they work there.

Students whose condition requires hospital stay are educated according to regular or special programs, while the right to home schooling is difficult to implement in practice. This type of education should be

arranged in a more systematic way, starting with the definition of educational standards, the selection of teachers, their professional training, supervision and evaluation of their work.

There is no systematic pediatric palliative care. There are no health workers trained and qualified to work in this area. There is no children's hospice, there is no possibility that the child dies surrounded by loved ones in peace and dignity. For the family that wanted to take home a child in terminal phase of disease, there is no adequate medical support and assistance.

Recommendations:

1. It is necessary to urgently adopt the *National plan for protection, support and promotion of breastfeeding* as well as the *Regulation on implementation of the International code on marketing and sales of breast milk substitutes*.
2. It is necessary to devote greater attention to creating conditions **for reducing children's stay in hospitals** (day hospital, home care, better quality primary health care) and improving mental health care of children and youth. Furthermore, medical personnel needs to be permanently educated and aware of the rights and needs of children.
3. It is necessary to provide **minimum requirements for parents to stay with hospitalized children, and willingness of medical professionals to the right and opportunity to inform parents** in order for children to exercise this right regardless of the financial status of their parents.
4. It is necessary to develop **protocols for the handling and communication of medical workers** in particularly difficult situations for the patient.
5. We propose establishing an **institute of advocates of children's rights at hospitals** that would mediate between parents and medical personnel and advocate the needs and interests of children when parents are absent.
6. It is necessary to create **a safer and more efficient system of processing patients' complaints**. Sanctions for medical personnel who disregard basic rights of patients should be more severe and imposed following a shorter procedure since otherwise patients drop their complaints.
7. It is necessary to **adopt a national strategy to fight malignant diseases placing emphasis on particularities of malignant diseases in childhood**, importance of providing new facilities in existing health institutions or establishing new health institutions for treatment of children.
8. In further attempts at humanization of hospital treatment it is necessary to **employ a psychologist, social worker, work therapist and a nurse** and provide them with a replacement in case of prolonged illness so that children have a person they can trust during their long hospital stay. Also, it is necessary to define standards and develop a framework of rehabilitation programs aimed at children suffering from malignant and other severe and life threatening diseases.

Adolescent health (CO 53-54)

To validate policy aimed at improving adolescent health we consider it useful to quote some parts from the *Evaluation project for the National program for HIV/AIDS infection prevention*¹¹ which was conducted by a UN Theme group for HIV/AIDS in Croatia in 2009:

At this moment the most serious problem is that there is no systematic long-term health education of youth. Although there is health education aimed at youth within school medicine, according to our respondents in both sectors (government and NGO) the lack of serious long-term systemic health education is a threat not only to increasing HIV/AIDS in younger population but also other sexually transmitted diseases.

Reaching young people at schools is considerably more difficult due to the fact that there is no systematic education on sexuality and responsible sexual behaviour.

There is great danger that unsystematic education in certain educational institutions, regions or parts of population causes increased risks of irresponsible sexual behaviour and creation of individual risk groups in different parts of Croatia for which there is no risk assessment of the exposure to HIV/AIDS.

In contrast to these findings, the State report (SR 215) emphasizes health education and counselling as special parts of preventive health care of adolescents. Establishing **multi-purpose counselling centres for youth**, as envisaged in the *National Program for Youth 2009-2013* and *National Program for HIV/AIDS infection prevention 2005-2010*, was realized in **only 3 cities within the Department of school medicine** (Zagreb, Rijeka, and Split). The State report (SR 217) emphasizes the improvement of the measures taken in the recent legislation with the purpose of protecting children and youth regarding the sale and consumption of tobacco products and alcoholic beverages. Unfortunately, the latest ESPAD (*European School Survey Project on Alcohol and other Drugs*) research¹² showed an increase in drinking among young people in Croatia, especially among girls. Although in the study from 1999 Croatia was well below average of other ESPAD countries (Croatia 73%, EU 83%), already in 2003 the situation changed: 82% of youth in Croatia (EU 85%) had been drunk and regularly drank alcohol in the past year. The last survey was conducted in 2007 at a sample of 105 000 students. Indicators of alcohol consumption in the last 12 months and the last 30 days were selected in order to assess drinking. According to the survey of 2007 all indicators of drinking in Croatia are higher than the average in ESPAD countries. In the last 12 months 84% of youth stated that they drank alcohol at least once (EU 82%) and within the last month 64% (EU 61%). 43% of youth in Croatia stated that they had been drunk at least once in the last 12 months (EU 39%). Excessive drinking within the last 30 days was reported by 50% of youth in Croatia (EU 43%). Especially significant is the increase in excessive drinking among girls. Girls drink ten times more than eight years ago, and the boys twice as often. Consumption of alcohol is often associated with smoking and use of illegal psychoactive drugs, which in turn is often associated with traffic accidents, aggressive outbursts, physical conflicts, sexual abuse, and alcohol poisoning or overdosing by other addictive substances.

The State report (SR 203) does not provide the data on monitoring the frequency of the most common sexually transmitted diseases in adolescent population (human papilloma virus-HPV and Chlamydia trachomatis), but only on syphilis and gonorrhoea where the number of patients is very small. Unfortunately, it is common practice that the clinics that record sexually transmitted infections do not report or rarely report such occurrences.

11 www.mzss.hr/content/download/5275/41686/.../AIDS_Evaluacija.pdf

12 Mirjana Žagar-Petrović dr.med. spec. epidemiolog (www.zdravobudi.hr)

According to the data from the study conducted by Parents' Association Step by Step and UNICEF-Croatia within the project *Situation Analysis and Procedure Recommendations in Cases of Teenage Pregnancies and Parenthood*¹³ about the importance of preventing irresponsible sexual behaviour as well as teenage pregnancies, most surveyed institutions (high schools, boarding homes, Family centres and centres for social welfare) believe that **not enough is being done in the field of prevention** and estimate that additional efforts are required in order to implement education of youth on sexually responsible behaviour.

The importance and the need to implement preventive health programs is also indicated in the international survey *Health Behaviour in School-Aged Children, HBSC, 2002, 2006*, that provides data mentioned in the State report as well and which indicates a worrying trend of early sexual relations and a significant increase in drinking among girls.

Recommendations:

1. It is necessary to develop a program of **systematic health education of children and youth** within the educational system. Sexual education should be an integral part of this program providing relevant and developmentally appropriate information on human sexuality. Apart from information spreading it is necessary that the youth develops skills needed to maintain sexual and reproductive health. Health education needs to be implemented parallel with complementary prevention programs aimed at developing social skills and responsible behaviour of young people toward themselves and others in order to prevent violence and abuse of children and youth.
2. In order to systematically monitor trends of sexually transmitted infections it is necessary **to strengthen control of reporting of all clinics** that have recorded infections (primary to stationary gynaecological clinics, clinics for infectious diseases, family clinics, school medicine clinics, etc.)
3. **Open more multi-disciplinary youth counselling centres**, independent of health institutions which would be available to young people on a daily basis and where they would be able to obtain advice, gynaecological examinations, testing for sexually transmitted infections, vaccinations for HPV, free contraception, etc.
4. Working with groups at risk of HIV/AIDS should be **included in a regular program of public-health interventions**. There should be a single track record of all the information regarding HIV infections or health status of people living with HIV/AIDS and generally irresponsible behaviour. Because of the specific target groups at risk, surveys should be regularly conducted and programs for monitoring of each risk group should be developed all within the regular epidemiological framework. Work with these groups should be proactive, continuous and inter sectoral.

c. Standard of living (art. 27; SR 238-240; CO 55-56)

The lack of a consistent policy towards children and youth is evident in Government decisions on free textbooks and free public transportation. Thus in 2006, before the elections, the Government adopted a decision on the allocation of free textbooks to all students in elementary schools and those attending the first year of high school for the school year 2007/2008 regardless of their economic status, this provision being abolished already in 2009. Additionally, free public transportation and accommodation in student dormitories for students attending the first year of high school were abolished as well.

The new provision states that co-financing of public transportation and distribution of free books would be determined each year based on the capacity of the state budget. However, the provision does not stipulate that these benefits must be provided for the poor children. Furthermore, by allocating some of the finances to the local and regional self government the commitment to provide educational resources to the most needed as well as the mechanisms of evaluating the needs and the standard of living of families with students are lacking.

EDUCATION, LEISURE AND CULTURAL ACTIVITIES (CO 55-56)

A. Education including vocational training and guidance (SR 241-264)

General comments

In 2008 Croatia allocated 4.33% of its GDP for education¹⁴ which ranks it below the level of EU member countries.

In 2013. Croatia allocated 3.2% its GDP for education, with the plan to further lower the investment in 2014(3,05%), and 2015(2,95%), according to the state budget plan from the Ministry of finance.

Working in shifts is still present in a number of elementary schools. According to the data for the school year 2009/2010 (SR 243) 37.9% of schools work in a single shift, 57.7% work in two shifts and 4.3% in three shifts. It is of particular concern that the schools that work in a single shift make no efforts to develop a model in which children would benefit from quality activities throughout the day thus relieving their working parents from worrying about their education and their free time.

Despite several projects that aimed to transform the educational system from the present focus on the content to placing greater emphasis on students and their competence building, the traditional school climate is still omnipresent as well as the expectations for the parents to help their children to study at home.

In 2010 Croatia adopted the *National Framework Curriculum* - NFC (Nacionalni okvirni kurikulum - NOK) as a starting point for the development of school curriculums and subject curriculum based on the detailed achievements in educational fields. In the State report the Curriculum is mentioned only in paragraphs on minorities, although **the rights of the child are implemented into the principles of NFC** and represent one of its fundamental values. The basic goal of NFC is to enable development of fundamental competences needed for further education, professional development and participation of

14 <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tsdsc510&plugin=1>

an individual in the social life. The Curriculum should enable realization of the basic right of the child to quality education.

The State report does not provide an overview of teacher's education for a particular type of program. Since all the teachers are university educated with an opportunity to continue their education at doctoral studies we see this as an advantage of the Croatian teachers' standard. This also applies to professionals working in preschools which are a considerable achievement for Croatia considering the importance of early education for children's development and the level of their inclusion in these institutions.

The State report does not offer precise data on the efficiency of the system, for example how many students enrolled in high schools finish the school on time or provide data on the drop-out rate.

We specially emphasize that there are no systematic social support mechanisms for the youth outside the educational system and job market. There is no mechanism to monitor the number of young drop-outs from the educational system and those that are not receiving education or vocational training and are also unemployed. Elementary school is compulsory for children until the age of 15, and there are no organized support mechanisms for persons that did not finish elementary school by the age of 15. The only measure for those older than 15 without elementary education is the possibility of free elementary school education in the centres for education of adults. However, this measure is not enough if it is not accompanied by other support mechanisms for young persons that are within this especially vulnerable group.

What characterizes the educational system in Croatia is **centralization and uniformity in preparation of the programs/ educational content**. The progress towards free choice and pluralism of offered

educational content cannot be expected until the NFC (2010) is fully implemented and until the centralized state management of schools accompanied with financial decentralization is completely abandoned. *The Act on Primary and Secondary Education* (Article 141.) allows for different financial sources in order to cover public needs in primary and secondary schools. Unfortunately, implementation of financial and regulatory decentralization of education in Croatia in the last years has already shown its negative effects in ensuring equal access to education for all citizens:

The strategy of decentralization is dangerous when it comes to meeting the educational needs of the poor. The size of the local government units determines their financial capacity as well as their capability to provide services. Today there are huge differences in financial capacities within the Republic of Croatia namely the considerable level of horizontal financial discrepancy where numerous units of the local self government are not able to finance their basic needs, let alone the education. To illustrate this we can look at per capita expenditure which varies between a minimum 1260 Kuna in Brodsko-Posavska County which is regarded as one of the poorest, to 4290 Kuna in Zagreb which is the richest part of the country. Consequently, a student attending school in a small town, municipality or county and the one who is educated in Zagreb are not in the same position¹⁵.

In the school year 2012/2013. A pilot program of **civic education curriculum** began in 12 schools in Croatia. There is a strong political will to start implementing the program in all public schools from the school year 2014/2015., but currently there is no Action plan for implementation nor financial framework.

In October 2013. **A Strategy of education, science and technology** entered in the public debate ,which should be one of the biggest education reforms in the last 20 years, and which should be adopted by the

15 Nikolić, N. (2007). Financijska decentralizacija obrazovnog sustava u Hrvatskoj, Ekonomska misao i praksa, 2.

Parliament in January or February 2014. The strategy responds to a number of outstanding issues and is a crucial document which, after its adoption will accordingly modify other relevant laws and regulations in the field of education. Although the strategy is a significant and positive step forward, it still remains to be seen the results of its implementation in the following years, especially considering the plans to cut back on the budget for education in 2014. and 2015. At this stage, there is no clear financial link between the Strategy and its implementation.

Vocational schools

Students of vocational schools are illegally burdened since apart from regular classes and obligations they need to attend practical training which, according to the UME (Unique Model of Education for Crafts) amounts to 900 hours per school year in the first and the second grade and 800 hours in the third grade. The Act on Vocational Education, Article 29. (2009) stipulates that students, during their first year of education, can have no more than four hours of practical training a day, and they cannot have practical training with the employer and attend school on the same day. Therefore, it is not possible to realize 900 hours in the first school year unless the daily obligations of a student last for 8 hours or more which is illegal for minors. A large number of students in vocational schools commute which further increases the number of their working hours and jeopardizes the quality of their diet and rest. If a student is absent from school for a month or more, including practical training, due to an illness or other justified cause, s/he automatically misses the entire school year since practical training cannot be compensated.

For a number of years there has been a significant **discrepancy between the available education programs for occupations needed at the labour market and those offered in abundant supply as well as the entry quotas** for these occupations in secondary (vocational) schools. Deficient occupations are mostly present in secondary professions (particularly: mason, carpenter, bender, roofer, locksmith, house-painter and sometimes baker, cook and confectioner), while occupations such as commercial specialist and sales specialist come in abundant supply (August 2011: 3000 unemployed commercial specialists and 2500 sales specialists).¹⁶

State Matura

There are still numerous inconsistencies after the second year of implementation of the State Matura. This primarily refers to **the unequal position of grammar schools and other high schools**. According to prof. Petar Bezinović PhD¹⁷: “The practice of conducting identical final exams in schools that offer different programs and qualifications has not been recorded anywhere in the world.”

The State report (SR 244) also mentions that “the State Matura has been accepted as a substitute for entrance examinations at all institutions of higher education” which does not correspond to the real situation since there are still some faculties that have entrance exams (e.g. Faculty of Medicine, Faculty of Philosophy, etc.).

The great danger of the State Matura, as can be witnessed in many countries, is in a fact that it is not one of the steps in evaluation of students, which would imply a coherent primary and secondary school system, but instead it is its most important, central component. This resulted in a situation where the entire secondary education is focused on the State Matura and the students learn exclusively those

16 <http://www.hzz.hr/docslike/statistike/Tablica%2028.pdf>

17 <http://www.iro.hr/hr/javne-politike-visokog-obrazovanja/kolumna/kriticki-osvrt-na-drzavnu-maturu/>

subjects that will be a part of the exam while ignoring everything else. The purpose and the role of education is completely ignored in the process.

National minorities (SR 245- 248)

According to the Office for National Minorities (2008), 1766 secondary school students in 15 secondary schools and 139 class departments were educated in the language and script of national minorities in the school year 2006/07. Out of this number 50 students were educated in the Czech language (Model B), 74 students in the Hungarian language (Model A and C), 923 in the Serbian language (Model A) and 717 students in the Italian language (Model A). It is important to emphasize that the Roma national minority was not included in these models.

Although there are special educational models for national minorities, most students attend regular classes (Mesić and Baranović, 2005)¹⁸. This situation is due to the fact that national minorities in Croatia are almost entirely so-called “old”, indigenous minorities whose members have mostly migrated to neighbouring and distant urban centres from the period of industrialization. Such development resulted in cultural and social assimilation which affected the larger part of the minority population. In 2009 the survey *Parent and pupil involvement in school activities: the perspective of national minorities in Croatia*¹⁹ was conducted with the aim of determining whether the parents and students, members of national minorities, are involved in school activities and what is the nature of their involvement. The survey has shown yet another problem related to the education of national minorities: a neutral attitude is acceptable for most of the students and the schools also support this neutral attitude. Parents at schools that do not implement a special program would generally appreciate minority culture programs at schools but they are not inclined to initiate them.

Apart from the possibility of attending religious classes for national minorities and allowing time off for religious holidays, schools’ attitude towards national minorities is primarily neutral: **there has not been a single intercultural event in any of the schools**, parents and students of national minorities were not specially informed of their rights by the schools, and there is no practice of communicating with national minority members on whether and how they want to celebrate their culture in schools.

It is especially important to emphasize that in the Croatian Danube Region in which the Erdut Agreement stipulates the principle of the Serbian minority education, **the only available educational model is still the model A** which in practice means separate classes for the children of Croatian majority and the children of Serbian minority.

As the systematic researches²⁰ of prof. Čorkalo Biruški, Ph.D. and prof. Dean Ajduković, PH.D. from the Department of Psychology of the Faculty of Philosophy in Zagreb have shown, a huge percentage of the

18 Mesić, M. and Baranović, B. (2005) National Minority Education in Croatia. In: N. Genov (ed.) Ethnicity and Educational Policies in South Eastern Europe

19 http://apreme.net/PDF-s/APREME_Croatia_report_cro.pdf

20 - Čorkalo Biruški, D. & Ajduković, D. (2008). Promjene međuetničke diskriminacije u djece i međuetnički stavovi i ponašanja njihovih roditelja. Ljetopis socijalnog rada, 15 (3), 377-400.

- Čorkalo Biruški, D. & Ajduković, D. (2008). Stavovi učenika, roditelja i nastavnika prema školovanju: što se promijenilo tijekom šest godina u Vukovaru? Migracijske i etničke teme, 24 (3), 189-216.

- Čorkalo Biruški, D. & Ajduković, D. (2009). Od dekonstrukcije do rekonstrukcije traumatizirane zajednice: primjer Vukovara. Journal of Social Policy, 16 (1), 1-24.

- Čorkalo Biruški, D. i Ajduković, D. (2009). Školovanje djece u Vukovaru: Je li se što promijenilo tijekom šest godina? Sažetak i preporuke sa stručnog skupa održanog u Vukovaru, 29. i 30. svibnja 2009., Odsjek za psihologiju, Filozofski fakultet, Zagreb.

adult citizens of Vukovar think that separate education of Serbian and Croatian children is a big or very big obstacle in the process of restoring of social relations. Furthermore, the percentage of worried citizens is increasing over time. To illustrate this 64% of Croats and 76% of Serbs in 2001 regarded separate education to be a big or very big obstacle to better relations between Croats and Serbs while in 2007 the percentages have increased to 78% for Croats and 86% for Serbs (Čorkalo Biruški and Ajduković, 2008).

These findings clearly show that the separate education of Serbian children is a significant source of concern for the adults, which also includes the parents of school children, while the established percentages indicate citizens concern for the processes of social reconstruction which should be acknowledged with the greatest possible concern and the school should be utilized as an important resource which can contribute to the social recovery of the community and to alleviation of the consequences of war which are felt even 15 years after the process of peaceful reintegration of the Croatian Danube Region into Croatian constitutional and legal system.

Recommendations:

1. It is necessary to **initiate relevant and comprehensive discussion** on the organization of minority education in the Croatian Danube Region which would be in accordance with the fundamental principles of protecting the rights of the child: the rights of children to ethnic particularities and the rights to grow up in a community as well-integrated members of society. This discussion must include the needs and the rights of both majority and minority children and strike a balance between “the principle of diversity and the principle of common good”. In doing so, it should strive to respect collective rights and individual rights to choice where the right to choice implies availability of different educational options that are able to meet the needs of ethnic groups in Vukovar and its surroundings. Relations between Croats and Serbs are certainly the most important, and in some regions the Roma and Croats relations are in focus, although there are other groups which need to be taken into account when it comes to using the school as a resource in promoting the values of multiculturalism, tolerance and integrated coexistence of different ethnic groups. It is essential that the government which is responsible for public education shows greater involvement in these activities: **government policies should proactively provide various opportunities for minority education** thus enabling the parents and students of different minorities to choose the option that meets their needs the best. The relevant European institutions should be involved in the process in line with a principle of fostering multiculturalism, democracy, respect for individual and collective rights and the principles of social integration of minorities.
2. In line with the previous recommendation we suggest **systematic monitoring and evaluation of implementation** of various types of minority education and their influence on social relations within the community, especially the relations between the majority and minority population.
3. We propose **comparing various types of minority education** in different regions of Croatia which have to a different degree been affected by the recent armed conflict with the purpose of finding the most appropriate educational and socio-integrational solutions that would serve to expediate the social recovery of the regions which were the most affected by the war.
4. We propose **comparing European and Croatian experiences** of minority education, placing particular emphasis on those minorities that have history of being involved in conflicts with the majority population or faced social exclusion based on ethnic prejudice and/or socio-economic status. This kind of exchange of experiences and their systematic monitoring could significantly

contribute to the development of real multiculturalism in European national states and, more importantly, in the common European area.

5. We recommend **consulting the students and their parents** on their ideas of fostering minority cultures in school. This requires special efforts in communicating between the school and national minority members and is of vital importance since it enables national minorities to learn of their educational rights, to express their wishes and fears regarding implementation of these rights and, besides, such communication sends a message that the school respects ethnical, linguistic, religious and cultural diversity of minority groups.

The Roma national minority (SR 250-255)

The National Program for Roma (2003) along with the *Action Plan for the Decade of Roma Inclusion 2005-2015* have undoubtedly initiated certain changes, especially within the field of education, health and living standard in Roma settlements in the Republic of Croatia. However, **the education of Roma population remains crucial** in examining the issues regarding implementation of the Convention on the rights of the child due to its permanent effect on the future life and integration into society of each individual child.

Inclusion of Roma children in preschool education programs in integrated groups is considered to be one of the most efficient measures in diminishing differences in educational attainment between the Roma and non Roma children and in reducing the number of drop-outs from the school system. The Republic of Croatia allocates 70 kuna (a little less than 10 euro) a month per child for preschool children belonging to all national minorities. From 2009 the Ministry of Science, Education and Sports introduced an additional targeted measure for Roma and covers the parent's share of the kindergarten enrolment monthly expense for each individual Roma child. This is the most important step and a shift in educational policy from encouraging preschool education in a more or less segregated environment to full integration. However, there is still a widespread problem of the reaction of the local community to the enrolment of Roma children in kindergartens. As stipulated by the Law, preschool education provision is in the hands of local authorities and they rarely take the risk of enrolling a greater number of Roma children in kindergartens. In addition to this problem the lack of funds is also the reason for lack of proactive engagement of the local government due to the decentralisation of financing already mentioned above.

The *Act on Amendments to the Act on Primary and Secondary Education (2010)* to a certain extent changed the previous discriminatory practices against Roma in the area of provision of additional classes of Croatian language. Now it stipulates that it is schools' duty to provide special help to all the children who have the right to education in the Republic of Croatia in mastering of the Croatian language. Article 99 in a way "legalised" the position of the so called Roma assistants that have been present in the Croatian educational system for a number of years. Since the end of 2011 Roma assistants have gradually started exercising their labour rights by signing first employment contracts with elementary schools. However, the problematic Article 65 of the same Act which stipulates that students with disabilities are also "students with difficulties conditioned by upbringing, social, economic, cultural and linguistic

factors" still remains. Considering that, according to the same Act, this category of students is entitled to special programs; such legal rulings allow plenty of **room for misuse and overrepresentation of Roma children in special education programs.**

An important tool for monitoring implementation of the national strategies is statistical data collection and their availability. Some data on Roma education is gathered by the Central Bureau of Statistics of the Republic of Croatia and the appropriate Ministry of Education Science and Sports. From 2006 the

Ministry gathers data for the whole population and the Roma within the E-register, a computerized data base. In addition to using the E-register system, from the school year of 2008/09, the data on Roma is also gathered separately by the Directorate for National Minorities within the same Ministry. This duplicity in data gathering was established in order to obtain more accurate data on Roma involved in the educational system. A considerable progress has been achieved in that regard. However, due to lack of monitoring of impact indicators, it is still not possible to obtain a clear picture on the educational gap and differences in educational attainment between the Roma and the rest of the population. UNDP has published a very useful document (Monitoring Framework for the Decade of Roma Inclusion Croatia, 2008)²¹ that should be used by the Government of the Republic of Croatia and the Government should opt for a number of indicators that would be continuously monitored. At this point, the monitoring of the implementation of the strategic documents of the Government **provides no information on the real impact of the measures and policies aimed at integrating Roma into society.**

In the spring of 2010 the European Court of Human Rights in Strasbourg has reached a verdict according to which Croatia is responsible for the segregation of Roma children who attended school in segregated classrooms of elementary schools in Međimurje. The essence of this verdict is that the state should truly undertake all measures in order to integrate Roma children into the educational system. However, the local and school authorities generally do not address the issue of desegregation although there are enough elementary schools in the enlisted area where the children can be redistributed. All schools singled out for segregation are located near major Roma settlements with the children attending the nearest school. The first case in Croatia of changing the enrolment network with the purpose of preventing segregation took place in 2011 in the town of Kutina. This is a kind of precedent that will be able to serve as an example to other communities. Civil society organizations that have in the past collaborated with Roma associations in the field of education believe that in order to effectuate different projects and programs, the state authorities should be more involved in encouraging cooperation/partnership between Roma and non-Roma associations and institutions with a view to educating and empowering Roma associations for action. In addition, all measures related to Roma that are implemented in the school system, refer to Roma, Roma parents and their children and there are no measures addressed to the majority population that also needs to be educated on what it means to have prejudice against someone, how it affects the everyday life of the entire community and not just those who suffer from prejudice and finally, how these messages affect children's achievements at school.

Recommendations:

1. **Amend the Article 65 of the Act on Primary and Secondary Education** in primary and secondary schools so as to delete the subcategory "students with difficulties conditioned by upbringing, social, economic, cultural and linguistic factors" from the general category of students with disabilities.
2. It is necessary that the Ministry of Science, Education and Sports promptly defines the **standards and qualifications** of current and future Roma assistants as teaching assistants.
3. **Provide continuous professional development** of principals, teachers, educators, expert assistants and associate assistants at schools and kindergartens placing emphasis on the particularities of working in multicultural environment with significant Roma population. In

21 http://www.undp.hr/upload/file/211/105998/FILENAME/monitoring_framework_-_complete_document.pdf

schools and kindergartens we recommend involving parents of the majority population with the aim of reducing prejudice and encouraging tolerance and cooperation.

4. **Systematically collect data** on the success of measures implemented so far and particularly monitor indicators regarding the educational performance of Roma children.
5. It is recommended **to continue promoting integrated preschool education as a priority**, since the preschool program as a basic mechanism for easier integration of Roma children in accordance to the National Program for Roma and the Action Plan for the Decade of Roma Inclusion has not delivered the expected results since the children are mostly segregated, it last only 250 hours and is implemented mostly in primary schools and different associations.
7. Due to high drop-out rates in the system of primary education, it is necessary **to improve access to educational programs** for adults taking into account the representation of women in such programs.
8. It is necessary to clearly identify measures of preventing segregation in education in the new National Strategy for Roma until 2020 whose adoption is expected in 2012.
9. **The new National Strategy for Roma until 2020** should also include clear plans of ensuring adequate resources for implementation of the measures, clearly define impact indicators with the purpose of monitoring the appropriateness of policies and include measures that would ensure active cooperation between the national, regional and local level in partnership with the Roma community.

b. Rest, play, leisure, recreation and cultural and artistic activities (SR 266-271)

The State report shows wide ramifications of various activities for children offered by predominantly professional cultural institutions and organizations which certainly speak of the willingness to invest in children. There is also word on activities organized by educational institutions or by their employees as a part of their additional work responsibilities or voluntary engagement although there is no mention of considerable cooperation between the schools and CSOs. Numerous projects in the field of human / children's rights, social skills, civic education as well as sports activities, organized games, forum-theatre and creative workshops (drawing, music and dance) are carried out through this cooperation in extracurricular hours or during weekends and school holidays. These leisure activities at schools are often voluntarily conducted by teachers in cooperation with the parents and children's associations and are increasingly being replaced by various professional programs carried out in rented school premises and offered to children for a fee.

Leisure activities of numerous civil society organizations are hardly mentioned in the State Report. Some of these organizations such as the Union of Societies 'Our Children' offer numerous activities and involve many children thus exceeding by far the programs mentioned in the State Report and organized by certain ministries such as the 'Enchanted Forrest' Bus project.

In terms of the financial support offered through tenders by the local authorities or the appropriate ministry for projects by civil society organizations or for the programs of certain artistic organizations or independent professional theatres, there is incomprehensible discrepancy in the field of drama and musical performances aimed at children and youth. These projects and programs receive negligible funding as opposed to funds that are appropriated for regular functioning of public cultural institutions in this area. An example of this discrepancy is the difference between the average annual aid received

for an independent dance production (10.000 – 25.000 kuna) or a professional children's theatre (25.000 kuna) and the aid of 500.000 kuna received by the Histrionic Troupe and awarded by the Ministry of Culture for two shows a year.

In 2009 the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity fails to release a tender for financing of youth organizations while the financing of youth clubs is greatly limited by the funds allocated for this area.

The funds allocated for the activities of civil society organizations in the field of leisure activities of children and youth are generally not sufficient to attain desired standards in this area. The growing phenomena of children having to pay various leisure activities including those cultural and artistic even when they are taking place in their kindergartens and schools is concerning. This practice discriminates against the poor children and exposes them to adverse influence in the society.

Recommendations:

1. It is necessary to ensure that the educational and social welfare institutions **offer a variety of free sports, cultural and artistic activities** providing each child with an opportunity to choose and participate.
2. **Provide adequate financial support** for CSOs working with children and youth by regularly issuing annual tenders.
3. Through transparent allocation of funds within the state budget **systematically support self-organised artistic and cultural activities of youth** in all art forms and leisure activities.
4. **Improve the work of cultural councils** on a national level by raising standards of their work and by adopting technical and strategic foundations for their activities, elaboration of clear criteria and priorities for the allocation of resources.

SPECIAL PROTECTION MEASURES

a. Children in emergency situations (art. 22; SR 272-302; CO 60-65)

The problems of children who are separated from their parents or from their legal guardians and end up as foreigners in the Republic of Croatia are still acute with no visible positive developments in relation to the situation noted in the previous The Alternative report (2004).

The execution of human and children's rights, especially the attention and appreciation of the needs of refugee children must be imposed as one of the priorities in resolving their status within the authorized institutions: the Ministry of Internal Affairs, the Ministry of Science, Education and Sports and the Ministry of Health and Social Welfare as well as the Office for Human Rights of the Government of the Republic of Croatia. The rights and needs of children as well as the compliance with the regulations are mostly violated in regard to accommodation, health care and psychological and social assistance.

The protocol on the treatment of children separated from their parents – foreign citizens, which is mentioned in the State Report as a relevant mechanism in protecting their rights and interests until their

return to the country of origin, was never adopted by the Croatian Parliament and as such is not a binding document and does not allow process standardization and consistent monitoring.

Unaccompanied children who found themselves in the territory of the Republic of Croatia as foreign citizens are not provided with medical examination before placement in institutional care or placement in foster families.

The problem of appointing guardians for unaccompanied children, foreign nationals in the Republic of Croatia, remains one of the main problems in the protection of this vulnerable group of children. The concept of “speedy return of a child to the country of origin” as a generally accepted approach is not in accordance with implementation of the principle of the best interest of the child.

The institute of a temporary guardian is crucial in realizing the concept of “speedy return”, which assumes the return to the country of origin as a universal solution in implementation of “the best interest of the child”. However, its implementation does not correspond to the basic guidelines of the institute of guardianship as a concept of “caring about the best interest of an unaccompanied child”. As a rule, a temporary guardian is either selected among the staff of the centre for social welfare in the area where a child was located or among the group of illegal immigrants that accompanied the child. When identifying a child, usually by the police, an employer of the centre for social welfare who is on duty at that time is present at the initial interview since the work of centres for social welfare is organized around the clock with the purpose of protecting the best interest of the child. Upon completion of the interview, a child is placed in an institution or a foster family and the centre for social welfare appoints a temporary guardian. Such guardian is appointed in accordance to the territory/ jurisdiction where a child was found and, as a rule, there is no communication between the representative of the Centre present at the first interview and the future temporary guardian. A child is typically summoned before a magistrate since these children usually do not have identity papers which is a basis for the court to impose measures of deportation to the country of origin of a child or to a third country from which the child entered the Republic of Croatia. This is why in practice, **a temporary guardian is often denied a chance of meeting a child or of advocating a type of care** that would ensure and protect the best interest of a child until a magistrate reaches a decision on deportation of a child to the country of origin or to a third country. On the other hand, appointing a temporary guardian from a group in which a child was identified represents a risk for the child’s safety since the centre for social welfare is not aware of his/her eligibility for a guardian and does not speak the language.

It is necessary to build a residential facility for unaccompanied children as a part of the Reception Centre of the Home for Children and Youth Dugave in Zagreb, Reception Centre for Asylum seekers in Kutina and the Reception Centre for Foreigners in Ježevo (a transit or deportation centre for illegal migrants). This is strongly suggested by experts and civil society organizations working with unaccompanied children. A lack of adequate programs and facilities for children is apparent in present circumstances. Due to language barriers and inability to quickly establish identity, while subsequently it is often discovered that these children are older than assumed; and other wards are exposed to various risks.

As for the underage asylum seekers, it is known for now that an underage asylum seeker was placed in a boarding home in which living conditions, integration and protection are not adapted to his needs. The Asylum Act distinguishes juveniles as a separate and vulnerable group, but does not define special rights for them and treats them as all other asylum seekers. Although there is a tendency to solve juvenile requests in the shortest possible time, the practice has shown that these proceedings can also last a while. Difficulties with establishing the identity that sometimes occur with asylum seekers

represent a real obstacle. Furthermore, although the law stipulates that a juvenile must have a guardian, there were cases when this was not effectuated, especially during juveniles’ stay at the Reception Centre

for Foreigners. This is a particularly risky situation because of the prolonged detention, room sizes and limited space, the pressure that illegal migrants feel, etc.

The Croatian language program is not formally organized in the Reception Centre for Asylum Seekers in Kutina which certainly delays participation in the Croatian educational system for every asylum seeker who does not speak a language resembling Croatian. There were several cases where children of the asylum seekers entered Croatian schools because they spoke a language similar to Croatian. The asylum seekers attend school following regular educational program and apart from the school they mostly learn the Croatian language in informal settings. The Ministry of Internal Affairs provides a one-time course of the Croatian language in the Croaticum centre for learning Croatian as a foreign language at the Faculty of Philosophy in Zagreb, however, this is often not enough and it is not tailored to individual needs. In school environment, the children asylum seekers are faced with discrimination, e.g. the food for those of the Islamic faith is not appropriately organized. Accommodation of children within families is organized in the Reception Centre for Asylum Seekers taking into account family unity and child protection.

As for the subsidiary protection of juveniles/ protection of other categories of foreigners, there is no recorded practice since it was only recently that one juvenile person realized subsidiary protection.

It also important to mention the phenomena of high fluctuation/ escape or disappearance of unaccompanied children from social welfare institutions. This 'fluctuation' involves significant risk of children trafficking.

Recommendations:

1. **The execution of human rights** and the rights and needs of children with refugee status must be **imposed as one of the priorities** of the government of the Republic of Croatia and the Ministry of Internal Affairs, the Ministry of Science, Education and Sports, the Ministry of Health and Social Welfare as well as the Office for Human Rights of the Croatian government. It is necessary to intensify activities of the Office of the Ombudsman for Children.
2. Special attention should be paid to **enhancing the professional competence of the personnel**, organization of work and ensuring adequate accommodation in reception centres. It is necessary to ensure **compliance with statutory regulations, the development of protection programs and psychological and social assistance**, regulatory elements in cases of deportation and sensitive approach to this very vulnerable group of children.
3. It is necessary to provide conditions for faster and better **inclusion of children of asylum seekers in the Croatian educational system** as well as functional integration with the labour market.
4. Adopt **detailed regulations regarding learning of the Croatian language**, assistance in learning and integration in schools, health protection and employment of refugee children.
5. Regulate by law the protection of the rights of refugee children (asylum seekers, refugees under subsidiary or temporary protection) and **establish clear procedures** in order to limit irregular practices of their detention. Legally provide ways and circumstances of determining the age and informing the juvenile about the procedure.
6. **Improve the protection of refugee children:** regulate deportation cases, regulate accommodation of unaccompanied children and allow them appropriate conditions without them having to share space with adult illegal migrants; ensure adequate and appropriate housing and treatment of children of illegal immigrants.

b. The administration of juvenile justice (art. 40; SR 303-306)

As for the children in conflict with the law, according to the information we received, although unfortunately we can not substantiate this with concrete examples, **there is place for numerous improvements** in juvenile proceedings. First of all, the education and sensitization of all the persons involved in criminal proceedings against juvenile offenders are chronically lacking in this area. By this we mean primarily the judges, prosecutors, attorneys and employees of social welfare centres. In the period covered by this report there was no formal systematic education of professionals who reach verdicts in juvenile cases. Furthermore, according to the information we received, all courts in which juveniles are trialled do not employ expert assistants whose presence should be mandatory in all proceedings in which children are trialled.

c. Children deprived of their liberty (art. 37; SR 307-317)

Although we do not have immediate knowledge, according to the information we were able to obtain, the conditions in prisons and institutions for young people are extremely poor: children do not have adequate bedrooms and bathrooms and there is a lack of space for daily living. We do not have accurate data on the range of health care services provided in these institutions, what kind of exercise is offered, do dietary options meet the needs of children and their health requirements, how many people share a bedroom, what is the state of bathrooms, etc. Although there have been many complaints made by adults in the Republic of Croatia regarding the conditions in prisons and detention which were submitted to the European Court of Human Rights and to the Constitutional Court and which yielded positive results and even reconstruction of certain prison departments for adults, juvenile complaints have not been recorded so far. We do not attribute this phenomenon to satisfaction with prison conditions, but to the lack of information on minimal conditions that need to be provided.

d. Sexual exploitation and abuse (art. 34; SR 336-346)

We emphasize that **all the provisions of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse are incorporated into the new Criminal Act** which was adopted in the Croatian Parliament in late 2011 and shall enter into force on 1.1.2013.

In the area of prevention and treatment of sexual abuse of children, Croatia has achieved significant improvements where a model of teamwork developed by the Child Protection Centre of Zagreb has become recognized throughout the world. There is a great need to establish similar institutions in several parts of Croatia. An important contribution in the area of prevention is provided by CSOs, such as Brave Phone, Parents' Association Step by Step, the Women's Room and the Society for Psychological Assistance. In planning, implementing and evaluating of their programs they follow the general principles for effective prevention and intervention programs and collaborate with many renowned experts.

Notwithstanding the afore mentioned, the cooperation between key actors is still not satisfactory, and particularly with regard to the lack of partnership between civil society organizations and a relevant ministry – the Ministry of Science, Education and Sports. This is why the programs offered by CSOs were available to the fewer number of children and youth, primarily in elementary and secondary schools in larger communities.

Potential perpetrators still are not in focus of attention in Croatia. There are no campaigns or activities aiming to deter such individuals from the criminal sexual behaviors directed toward children.

Media presentation in cases of sexual abuse of children is still often sensation-seeking and contributes to additional victimization of affected children. It is therefore necessary to continue work on enhancing cooperation with the media.

In prevention of sexual violence a special role belongs to sexual education of children and youth that should provide the knowledge, skills and values to help them in making responsible choices in sexual and social relationships. Although the State Report claims that the sexual education is integrated into various courses, the fact remains that there is no comprehensive sexual education in Croatian schools. This is especially devastating for children who have in their families been exposed to silence or negative discourse on human sexuality. The data from the national survey conducted in 2010²² says that more than 80% of respondents aged 18-25 believe that it is necessary to introduce comprehensive sexual education in Croatian schools.

Preserving and improving sexual and reproductive health must be inseparable from a systematic approach to these aspects of personal and social life during formal schooling.

The seriousness of the threat that the sexual violence represents for children's well-being and healthy development also force to intensify efforts in developing child-friendly justice system.

Recommendations:

1. It is necessary to promptly establish institutions modelled on the Child Protection Centre of Zagreb in major regional centres in order to provide efficient treatment for a larger number of sexually abused children.
2. It is necessary that all institutions dealing with the problem of sexual violence against children (police, hospitals, social welfare system) **pay greater attention to collecting data on victims as well as perpetrators.**
3. It is necessary **to draw up and implement program of sexual education** with UNESCO guidelines for a comprehensive and culturally sensitive sexual education for children and young people aged 8 to 18 (2010) as a solid, scientifically based launch pad.
4. It is necessary **to focus attention on potential offenders** by creating messages and campaigns for the purpose of deterring and controlling criminal sexual behaviours directed toward children.
5. With the purpose of a systematic and coordinated action in preventing sexual violence through the educational system, **several mandatory programs should be selected and implemented that meet the general principles** of efficient prevention and intervention programs.
6. **Efforts to develop child-friendly justice system should be intensified:** develop a system of permanent education of judges, prosecutors and attorneys covering the area of sexual offenses against children in order to qualify them for a specific approach to child victims, encourage education of attorneys on particularities of working with children, introduce specialization, licences for family law and legal protection of children in criminal cases.

22 MODRIĆ J., ŠOH D., ŠTULHOFER A. (2010.): *Stavovi o cjelovitoj seksualnoj edukaciji u hrvatskim školama: rezultati nacionalnog istraživanja mladih*, <http://hrcak.srce.hr/67819>

7. **To limit the duration of treatment and decision making in criminal proceedings** (urgency of the procedure) in order to provide a child victim with a sense of satisfaction and with early involvement in the healing process.

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