



**Convention on the
Rights of the Child**

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Second periodic reports of States parties due in 1998

CROATIA*

[30 October 2002]

* For the initial report submitted by the Government of Croatia, see CRC/C/8/Add.19, for its consideration by the Committee, see documents CRC/C/SR.279-281 and CRC/C/15/Add.52.

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Introduction

1. The Convention on the Rights of the Child was adopted in the legal system of the Republic of Croatia through the Notification of Succession of 8 October 1991, and the Convention entered into force for Croatia on 12 October 1992 following its ratification. The initial report was submitted in 1993 and supplemented in 1995. The Committee on the Rights of the Child considered these reports on 23 and 24 January 1996 and gave its opinion, as well as proposals and recommendations. It was proposed that Croatia should submit an interim report; however, as the country embarked on a new set of legislative reforms and there were major changes in practice regarding conformity with the Committee's requirements, we felt that it was more appropriate to provide a new report that includes a comprehensive account of changes in legislation and practice relevant to the rights of the child in Croatia. The initial report, published in the magazine *Dijete* (Child), only partly meets the requirement of article 44, paragraph 6, of the Convention.

2. This second periodic report has been prepared in accordance with the general guidelines set by the Committee on the Rights of the Child for the form and content of reports that the States parties are committed to presenting under article 44, paragraph 1 (b), of the Convention on the Rights of the Child. The present report covers the period from 1995 to 31 December 2001.

3. Since the submission of its initial report Croatia has asserted sovereignty over its entire territory, and current regulations are binding on all Croatian citizens. In spite of some specific conditions still prevailing in the areas where for a period of time Croatian sovereignty could not be exercised, efforts are being made to comply with all the obligations arising from the Convention.

4. According to the 2001 census, the population of Croatia is 4,437,460, including 931,927 children, or 0.22 per cent less than in the 1991 census.

Table 1
Population - evaluation and trends

Year	Population	Children				Marriages	
		Live-borns	Stillborns	Dead infants	Children born out of wedlock	Contracted	Divorced
1996	4 494 000	53 811	235	433	3 834	24 596	3 812
1997	4 572 000	55 501	253	457	4 024	24 517	3 899
1998	4 501 000	47 078	225	388	3 820	24 243	3 962
1999	4 554 000	45 179	205	350	3 714	23 778	3 721
2000	4 381 000	43 746	229	324	3 927	22 017	4 419
2001	4 437 460	*	*	*	*	*	*

Source: 2001 Yearbook of Statistics.

* 2001 data not yet published.

According to the statistics, only a small number of children were born outside health institutions, much less without professional assistance.

Table 2
Live-born children by place of birth

Year	Children born in health institutions	Children born outside health institutions but with professional assistance	Children born outside health institutions and without professional assistance
1996	53 565	147	99
1997	55 332	108	61
1998	46 925	94	49
1999	45 069	66	44
2000	43 660	48	38

Source: 2001 Yearbook of Statistics.

Note: The National Bureau of Statistics has not yet published data for 2001.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize national legislation with the provisions of the Convention (arts. 4, 42 and 44, para. 6)

5. The proposals and recommendations put forward by the Committee on the Rights of the Child have been taken into consideration to the effect that as part of comprehensive legislative reforms in Croatia amendments are being made to remove any ambiguities, uncertainties or differences contained in the provisions of existing legislation in relation to the provisions of the Convention on the Rights of the Child.

6. When depositing the instrument of notification of succession Croatia expressed a reservation to article 9, paragraph 1, of the Convention, because under domestic legislation the social welfare centres can decide without a previous court review to deny a parent the right to live with his or her child. However, article 19, paragraph 2, of the Constitution of the Republic of Croatia provides: "Decisions by administrative authorities or authorities with public powers shall be subject to a court review of the legality of such decisions". Therefore, the Administrative Suit Act allows citizens to seek court protection with respect to any decisions passed by administrative authorities. For that reason, it was decided to accept the Committee's suggestion, as well as instruction No. 11 from the Committee's general guidelines, that the said reservation be withdrawn. The decision to withdraw the reservation to article 9, paragraph 1, of the Convention was passed by the Government of Croatia on 26 February 1998.

7. Passed during 2000 were the Constitutional Law Amending the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia, the Law on the Use of Language and Script of National Minorities in the Republic of Croatia, and the Law on Education in the Language and Script of National Minorities. By these laws the Republic of Croatia has additionally undertaken to respect and protect the rights defined in these laws and has thereby adopted the United Nations standards on national minorities.

8. Harmonization of national legislation with the provisions of the Convention has been carried out through the passage of a series of new laws and amendments to the existing laws and other regulations. In force since 1 July 1999 is the Family Act the provisions of which embody all the requirements from the Convention on the Rights of the Child.

9. A new Family Act is being prepared which, in respect of child protection, represents a step forward by underlining the child's legal individuality in the family. The basic changes in relation to the existing Family Act are the following:

(a) Transfer of a part of powers from social welfare centres (administrative authorities) to the courts wherever vital decisions about the child are made, for example, which parent the child is going to live with, determining the schedule of the child's meetings with the parent with whom the child does not live, prohibition to approach the child, etc.;

(b) Transfer of power to impose family protection measures from social welfare centres to the courts;

(c) Abolition of two types of adoptive parenthood and introduction of only one type as permanent;

(d) Shortening the deadlines in maternity and paternity disputes.

10. Currently drafted is also the Family Violence Prevention Act which will comprehensively address this important issue. So far Croatia has not had a law like this and regulations dealing with violence in the family are scattered in various (criminal, misdemeanour, family-related) laws.

11. Reforms, which are also under way in the area of criminal law, have resulted in significant improvements in respect of child protection. In force since 1 January 1998 is the new Criminal Law, amended in 2000 and 2001, the Criminal Procedure Act (amended in 1999), and the Juvenile Court Act (amended in February 2002). They contain provisions on child protection, children who have committed criminal acts, juvenile courts, penalties against minors, criminal acts injurious to children, which are described in more detail in the section of the report on articles 19 and 39 of the Convention (paras. 147-158), and in the chapter on children in emergency situations (paras. 220-241, 245-250 and 251-252).

12. The Law Amending the Juvenile Court Act is intended, inter alia, to adapt the investigation procedure to the child's mind to avoid traumatic consequences. For example, article 119 of this Act provides that a juvenile court judge or an investigating judge must deal tactfully with a child or a minor against whom a criminal act has been committed, with due regard to his/her age, personal characteristics, education and living circumstances in order to avoid possible detrimental effects on his/her upbringing and development. A child or a minor has to be examined with assistance of a pedagogue, a psychologist or another qualified person. If a child or a young person, whose physical integrity is affected by a criminal act (altogether 20 such crimes are specified, mostly defined as sexual delicts and crimes against family and youth), is examined as a witness, such examination may not be carried out more than twice and must be conducted in the presence of an assisting psychologist, pedagogue or another qualified person. The examining magistrate has to order video or sound recording of such

testimony without the judge and the parties to the trial being present in the room where the witness is giving testimony, so that the parties can ask questions through the investigating judge, a psychologist, a pedagogue or another qualified person. Besides, children and younger people being witnesses affected by a criminal act under article 17 can be examined at a place other than the courtroom, in their home or elsewhere or at a social welfare centre. In examinations during the main hearing a transcript of the statement by a witness must always be read or the video and/or sound recording replayed. Information obtained by means of video and sound devices must be destroyed after a lapse of five years following the court ruling.

13. Another law being enacted is the Juvenile Crime and Misdemeanour Punishment Act.

14. The Social Welfare Act, in force since 1 January 1998, defines new measures and forms of family protection, especially the protection of children living in socially endangered environments and children with special needs. An important new element compared with the preceding act is the introduction of the right to personal disability benefits payable to persons with serious physical or mental disabilities, or to persons who before the age of 18 suffered permanent changes in health condition. Given that a physical or mental handicap requires additional efforts in everyday life, as well as additional costs, the purpose of these personal disability benefits is to ensure that as many such persons as possible remain in the care of their own families.

15. Passed in 1996 and amended in 1997 is the Maternity Leave Act which in terms of maternity benefits puts unemployed mothers on a par with employed mothers.

16. The Children's Allowance Act (2001) has significantly expanded children's rights. The right to children's allowance can be exercised by anybody to whom the child is entrusted for care and rearing: parent, adopted parent, legal guardian, step-parent, grandparent, with the only criterion being the property status of the beneficiary, i.e., his or her household. Children's allowance payments are rising progressively with the number of children.

17. Taxation laws (196 Income Tax Act, amended in 1996, 1998 and 2000) and by-laws were also intended to assist families with children through various forms of tax relief. Thus no value-added tax is payable on milk and substitutes for mother's milk or baby food serving as complete or partial substitute for mother's milk. Likewise, no value-added tax is payable on technical, scientific, artistic, cultural and educational books. The same applies to children's books. However, VAT is payable on other children's products, such as outfit, clothes and footwear, at the regular rate of 22 per cent.

18. Progress has also been made in the area of health care where free health care is now provided for all children up to the age of 18 (instead of 15 as stated in the earlier report).

19. In force since 1 January 1998 is a new Law on the Protection of Mentally Handicapped Persons, which defines the principles, criteria and methods of such protection. Mentally handicapped persons are entitled to protection from any type of abuse or degrading treatment and may not be put at a disadvantage due to their mental disorders. Psychiatrists and other health workers are obliged to arrange treatment of mentally handicapped persons in ways which will to the least possible degree affect their freedoms and rights or cause them mental or bodily stress or hurt their personality and human dignity. Mentally handicapped children or minors can be

subjected to an examination or treatment only with the consent of their legal representative, taking into account the child's opinion depending on his or her age and maturity. Psychiatric treatment of such children is organized and conducted by a responsible public health institution.

20. Relevant to the area of the protection of children with special needs is also the 2000 Domestic Passenger Traffic Privileges Act under which children and their parents are entitled to discount for a specified annual number of travels by railway and ship.

21. The 1998 Law on Blind Persons Assisted by Guide Dogs allows the blind to move with their guide dogs in public places and buildings as well as means of public transport and thus exercise their fundamental right to free movement.

22. The currently drafted Asylum Act will contain special provisions on children seeking asylum. There is a rising number of children in Croatia who have abandoned their family and country and who are found stranded without their parents or legal guardians. For that reason a programme of special measures is being prepared for this vulnerable group. This requires close cooperation between government authorities and NGOs.

23. Funds required for child protection programmes are provided from central and local government budgets. Each responsible ministry plans its share in the central budget according to its real needs and the available national resources. In the National Action Programme for Children, launched on 9 October 1998, it is stipulated that the funds defined in the Programme will be assigned as a special item in the budget of the respective ministry. The Programme is currently being revised.

B. Existing or planned national or local mechanisms for coordination of children-related policies and for the monitoring and promotion of the Convention

24. In its initial report Croatia described the mechanisms ensuring the implementation of the Convention on the Rights of the Child in national legislation, so in the present report only a general account will be given of some of the most important measures taken in this respect over the past period.

25. In 1994, at the proposal of the Government of Croatia, it was decided to establish the National Institute for the Protection of Family, Maternity and Youth, tasked to encourage, initiate and coordinate legislative and other activities aimed at protecting the interests and rights of families, especially children, young persons and persons with special needs. Emphasis was laid on parenthood to help parents care for their children's well-being in the best possible way. As for the Committee's proposal that a permanent and independent policy-making and monitoring organization be established, in addition to what was said above we can inform that having accepted the Committee's recommendation, the Government has introduced the duty of Deputy Ombudsman tasked to attend to children's rights. Meanwhile a need was expressed to

establish the institute of the Ombudsman for Children and a draft bill to this effect has been prepared, which, once adopted, will introduce the office of Ombudsman for Children operating at national and local levels.

26. The National Action Programme for Children in the Republic of Croatia introduced on 1 October 1998 should address the Committee's remark under 12.D (principal subjects of concern). For more efficient implementation of this Programme, the Council for Children was formed on 9 October 1998, composed at the time of 35 members divided into three groups, each covering a specific area of work. As this method of work proved to be inadequately efficient, on 17 October 2000 the Government modified its decision on the Council's membership and 19 members of the Council were appointed instead: 7 from relevant ministries and government agencies, 6 Members of Parliament, 3 from scientific institutions and 3 from the media. A need was immediately felt for cooperation of NGOs, so steps have been taken to include NGO representatives.

27. The Council for Children is tasked to continuously monitor the implementation of the National Action Programme for Children, and to coordinate the work of all parties involved in the planned measures and activities. The Council monitors the implementation of the Convention on the Rights of the Child and other international agreements and acts related to children, promotes the rights of the child, discusses draft laws and other regulations related to the rights of the child, proposes to the Government and relevant ministries amendments to the laws or drafting of new regulations, proposes measures for improvement of the professional work of bodies whose competencies include affairs related to the protection of children and the exercise of their rights, proposes to the Government and other competent authorities the financing of programmes important to children from the State budget and other sources, and follows up national programmes for children in other countries for comparison and improvement at home.

28. Since October 2000 the Council for Children has been operating through four working groups. The duty of the first working group is to revise the National Action Programme for Children, the second is following up children-related regulations, the third is in charge of ethical issues and media presentation, and the fourth cooperates with local self-government units.

29. The Council's sessions are held at regular intervals to analyse the current situation and to propose priorities and guidelines for further work. The Council reports to the Government at least twice a year. The Council's representatives are actively participating in various national activities of interest to children (such as giving their opinions about existing and proposed regulations) and the role of the Council is gaining in importance and efficiency. Coordinating and administrative work for the Council is carried out by the National Institute for the Protection of the Family, Maternity and Youth. In 2001 it was noticed, however, that the Council's proposals put forward to relevant ministries in respect of required modifications of certain children-related regulations are ignored at these ministries at the stage preceding a legislative procedure. This has caused a certain delay in the Council's work at that level.

30. Regarding children with special needs, it should be noted that in 1999 the National Programme for the Improvement of the Quality of Life of Persons with Disabilities included children for the most part. The Programme is designed to raise the quality of life of such persons in all areas of social life. In fact, this means ensuring the principle of equal opportunities, based on The Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted back in 1993 by the United Nations General Assembly (resolution 48/96). The Programme defines guidelines for any further action in this area.

31. The war in Croatia ended in 1995, but the Croatian Government Office for Refugees and Displaced Persons still operates and attends to the need of this category of population, including refugee children.

32. In December 1997 the Government decided to set up the Commission for the Prevention of Disorders in Child and Juvenile Behaviour and the Protection of Children with Such Disorders. The Commission's duties are:

(a) To analyse the extent of various manifestations of behavioural disorders, including the risk factors involved in such manifestations;

(b) To follow up current legislation, give expert opinions and proposals for amendments to and passage of legislative, implementing and other regulations relevant to the well-being of children and young people;

(c) To monitor the state of care for children and young people exposed to risk environments, as well as children and young people with behavioural disorders, especially at the local level;

(d) To propose improvements in protective measures;

(e) To encourage preventive activities at the national and local levels, with emphasis on evaluation and supervision as a prerequisite for programme implementation.

33. Technical and administrative work for the Council is carried out by the National Institute for the Protection of the Family, Maternity and Youth.

34. The respective ministries dealing with the specific problems of children within their scope have also set up their internal commissions with members recruited from among prominent scientists, experts and officers engaged in work related to the rights of the child. For example, the Ministry of Justice, Administration and Local Self-government has set up a commission to follow up and improve the work of judicial bodies in criminal proceedings.

35. In the past the relevant ministries (the Ministry of Health, the Ministry of Labour and Social Welfare, the Ministry of Education and Sports, the Ministry of Justice, Administration and Local Self-government and the Ministry of the Interior) had organized a series of consultations and additional seminars on the subject (to be described below in more detail).

36. The Government has established its Office for Detained and Missing Persons which collects data on children victims of the war.
37. In 1994 the Government set up the Commission for the Prevention of Drug Abuse which has prepared the National Strategy for the Prevention of Drug Abuse. This was followed by the Drug Abuse Prevention Act passed in November 2001.
38. The Ministry of Labour and Social Welfare and the Zagreb Faculty of Law jointly launched a project in 2001, entitled "Application of family law measures to ensure the well-being of children and adoption without parental consent - practical experience". The project is still under way.
39. The Ministry of Labour and Social Welfare, with financial assistance from the United Nations Children's Fund (UNICEF), has printed a brochure "Children Above All", together with the text of the Convention on the Rights of the Child. The brochure has been distributed to all social welfare institutions, the Ministry of Education and Sports and relevant NGOs.
40. To publicize the Convention the Ministry of Education and Sports has printed the text of the Convention and distributed it to its institutions (kindergartens and primary and secondary schools).
41. The NGO for Social Policy Initiatives has printed the text of the Convention with illustrations suitable for children and distributed it to other NGOs and persons attending seminars being organized by this NGO for promoting the rights of the child. The NGO for Social Policy Initiatives has established the Centre on the Rights of the Child.
42. UNICEF, in cooperation with the Ministry of Croatian War Veterans, has printed posters promoting the rights of the child for nationwide distribution. The media are also engaged in promoting the child's rights in ways suited to adults and children alike. Actions aimed at raising public (especially professional) awareness of the rights of the child have also reached university degree and post-degree curricula at various university colleges (of law, arts, education and rehabilitation, among others).
43. UNICEF Office for Croatia has initiated and financially supported the 1997 project "Promotion of Children's Rights", approved and actively supported by the Ministry of Education and Sports. The long-term goal of this project is to improve human relations in the schools, whereas the short-term programmes are designed to provide primary school teacher training courses on the rights of the child. A result of the work on the project in 2002 is a well-illustrated textbook intended for primary schoolteachers, entitled "We Know Our Rights" (228 pages). The textbook is equally useful to all persons professionally engaged in the work with children. The first part of the book deals with children's rights, socializing in the school and abuse of children's rights; the second encourages understanding and active participation of children in the assertion of their rights under the Convention. The textbook contains the text of the Convention.

C. International cooperation

44. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was ratified on 13 May 2002. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was signed in May 2002 and is expected to be ratified in a matter of months.
45. In addition to the conventions mentioned in the previous report, in 1993 Croatia became a party to the United Nations Convention on Recovery of Alimony from Abroad of 1956, and signed the European Convention on the Exercise of Children's Rights, currently at the ratification stage.
46. In April 2002 the Croatian Parliament adopted the Law Ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
47. Currently being considered is Croatia's accession to the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (ETS No. 105).
48. The ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) was ratified in July 2001.
49. On 11 October 1997 Croatia ratified the Council of Europe's Framework Convention for the Protection of National Minorities (ETS No. 157), and on 5 November 1997 the European Charter for Regional or Minority Languages (ETS No. 148), which also covers a significant range of children's rights.
50. Signed on 8 March 1999 was the European Social Charter and currently being considered for ratification is the compatibility of Croatian legislation with the Charter.
51. The number of bilateral agreements in the area of civil and criminal law with certain countries, notably the Federal Republic of Yugoslavia and Bosnia and Herzegovina, has been rising.
52. By virtue of relevant international conventions Croatia has established practical cooperation with other States parties to the conventions. For example, about 20 cases are handled annually under the Hague Convention on the Civil Aspects of International Child Abduction, and more than 100 cases under the Convention on Recovery of Alimony from Abroad. Annual statistics on the civil aspects of international child abduction are forwarded by the Ministry of Labour and Social Welfare to the Secretariat of the Conference on Private International Law in the Hague.

53. In matters involving legal protection of children cooperation is maintained, in addition to central bodies, with international organizations, especially UNICEF and the International Social Service.

54. UNICEF has been active in Croatia since October 1991 and cooperation is based on the Basic Agreement concluded between the Government of Croatia and UNICEF signed in December 1993. UNICEF is financing its programmes with the support of the Croatian Government and their cooperation is facilitated by the Steering Committee composed of representatives of institutions responsible for programme implementation, presided by the Ministry of Foreign Affairs (Department for Economic Bilateral and Multilateral Relations). Thanks to this cooperation, coordinated and monitored through the Committee of Ministries and the offices of the Croatian Government and UNICEF, are a series of programmes and projects that have been implemented in the following areas:

(a) *Health.* Improved quality of primary health care, training, provision of medicines and medical equipment, promotion of breastfeeding through the "Hospital - Children's Friend" programme, amendments to the Salt Iodination Act;

(b) *Education.* Improved equipment of primary schools, landmine protection programme, drug abuse, environmental protection, peace and human rights, peaceful resolution of conflicts in the school, learning democracy, eco-school, ecological education, assistance to children and teachers in reintegrated areas, inclusion of Romany children in the educational system of Croatia, teaching children to cooperate and work in humanitarian organizations;

(c) *Social welfare.* Professional training programmes for social workers in the field of trauma psychology, protection of children living in difficult conditions, especially those from war-affected areas, programmes of prevention, aid and improved work with children and juveniles with behavioural disorders, as well as with maltreated and neglected children, young drug addicts and children with special needs, forming teams for crisis intervention in the event of accident or sudden loss, improving the quality of life of children in social welfare homes, popularization of host families, assistance to children and families in the process of return, reconstruction and social reintegration, planning of activities to assist children from the areas of Knin, Benkovac, Obrovac and Drniš, training programmes for social workers operating in the Croatian Danube region, project for prevention of professional stress and programme of assistance in drafting and carrying out the National Action Programme for Children and the implementation of the Convention on the Rights of the Child in Croatia. These programmes have been carried out within the programme sectors "Children in dire need" and "Advocating the rights of the child and social mobilization by 1998". Professional workers engaged in the social welfare system have benefited a great deal from these seminars or projects by acquiring knowledge and skills and getting support, especially through various manuals, brochures and promotional material made available to professionals for their practical work.

55. Most of the above-mentioned projects have been carried out through cooperation with more government departments and local communities, depending on the topic.

56. The Ministry of Labour and Social Welfare is financing the project “Application of family law measures for the well-being of children and adoption without parental consent - practical experiences”, conducted by the Zagreb Faculty of Law, Department of Family Law.

57. A representative of the Government of Croatia and a UNICEF special envoy signed the Operative Plan of the Croatian Government and UNICEF for 1999 and 2000, whose target groups are women and children affected by the consequences of war, exile, economic recession, devastation and insecurity. The programme consists of three parts: promotion of children’s rights, education for the child’s development and participation, and promotion of a healthy life. The Operative Plan is continuing and includes a resumption of the already started projects with more active involvement of governmental and non-governmental organizations.

58. The Ministry of Foreign Affairs is organizing semi-annual meetings with UNICEF with the participation of other ministries and authorities. At a meeting held in July 2000 a need was stressed for establishing a Centre on the Rights of the Child in the Republic of Croatia, and for enhanced cooperation in the region for the protection of children from drug abuse, trafficking and sexual exploitation.

II. DEFINITION OF THE CHILD (art. 1)

59. In the Croatian legal system the status of a child lasts until the eighteenth year of age and thereafter a person attains majority and acquires legal capacity, that is to say under the provisions of the Family Act the right of representation by legal representatives (parent, adopted parent, guardian) is terminated, except in cases involving a person deprived of legal capacity. In exceptional cases legal capacity can be acquired after the age of 16 if with court approval a person gets married before reaching majority.

60. In the initial report the Committee was informed in detail in respect of article 1 of the Convention, so only new legal provisions will be discussed herein.

61. A novelty in the Croatian legislation (since 1998) is that a minor who has completed 16 years of age and became a parent can acquire legal capacity, subject to court approval. While it is preferred that children enjoy their childhood until they complete 18 years of age, the introduction of that new provision is justified on the grounds that it protects parenthood and allows under-age parents to adequately represent the interests of their child.

62. In considering the application of an under-age parent for the recognition of legal capacity, the court will assess his or her mental maturity, consult his or her parents and seek the opinion of the social welfare centre.

63. At the time of the initial report the Marriage and Family Relations Act was in force. Although this Act, judging by comparable legal provisions in some other countries, was quite advanced in many respects, it was still based on the prerogatives and duties vested in parents, not on both the child's rights and the parent's responsibilities. In accordance with the Convention on the Rights of the Child, the basic principle underlying the new Family Act is the rights of the child, followed by a provision according to which parents bear primary responsibility for ensuring their child's rights. Another principle is that parents should jointly and consensually care for their child whether they live together or separately, unless otherwise decided by the competent authorities in the interest of the child. The new Act underlines the legal personality of the child, a matter which will be discussed below in more detail.

64. As already mentioned above, in force since 1 January 1998 are the new Criminal Law (amended in 2000 and 2001), the Criminal Procedure Act (amended in 1999), the Juvenile Court Act, and the 1999 Prison Sentence Act (amended in 2000 and 2001).

65. According to the 1997 Law on the Protection of Persons with Mental Disorders (amended in 1999), a child with mental disorders who can understand the nature, consequences and risks of a proposed medical treatment and is thus capable of making his or her own decision cannot be examined or subjected to medical treatment without his or her written consent. Any compulsory detention or placement of children with mental disorders without their consent is subject to a court review (Law on the Protection of Persons with Mental Disorders, art. 10).

66. Under the Criminal Law there is no question of criminal liability of a child offender who at the time when the criminal act was committed had not yet completed 14 years of age (art. 10). Instead, protective measures under the Family Act are applicable to such a child.

67. The Criminal Procedure Act stipulates that a child - an injured party - who has completed 16 years of age is authorized to make independent statements and take legal actions (art. 59).

68. A child can be remanded in custody only if over 14 years of age (the Juvenile Court Act, art. 73). A juvenile prison sentence can be ruled as *ultima ratio* only if the perpetrator has completed 16 years of age at the time when the criminal act was committed (ibid., art. 23).

69. The Catering Act prohibits the serving of alcoholic drinks to a guest under 18 (art. 11). The 1999 Law on Limited Use of Tobacco Products prohibits the sale of cigarettes to persons under 18 and requires that a warning to this effect be visibly displayed and noticeable from a distance of 10 metres. In practice, however, this ban is widely disregarded. Health inspectors should be more active in enforcing this prohibition, which at present is not the case.

70. Since 1 January 2000 it is prohibited to sell tobacco products from cigarette slot machines. The same Act prohibits smoking in restaurants, confectioneries and milk bars, according to a categorization of catering facilities accessible to children.

71. In our initial report we mentioned that there were no regulations in Croatia which would protect children from buying and consuming literature detrimental to their growth and development, but now we are glad to inform the Committee that progress in this direction has been made in the Criminal Law, article 197 of which provides:

“(1) Whoever sells, gives, displays, makes publicly available to a child printed materials, photographs or pornographic videos shall be liable to a fine or a prison sentence of up to one year.

“(2) Articles and items referred to in paragraph 1 of this article shall be seized.”

Besides, the Public Information Act, passed in October 1996, prohibits the promotion and public display of books with pornographic titles (not applicable to specialized bookshops).

72. The Family Act prohibits night outings of children under 16 who are unaccompanied by their parent or an adult trusted by the child's parents. A night outing is considered from 11 p.m. to 5 a.m.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

73. With regard to the deep concern expressed by the Committee about the disregard of court rulings, it can be said that the enforcement of court rulings is elaborated upon in more detail in the new Family Act where stricter sanctions are envisaged for parents and other persons who disregard decisions by judicial and administrative authorities; heavier penalties are also envisaged under the criminal legislation. While this has changed the situation for the better, there are still quite a lot of cases of evasion, and recourse to criminal proceedings is not frequent enough.

74. Another concern of the Committee is that members of minority groups, especially Serbs and Muslims, continue to be harassed and that the culprits are getting away with it. The Committee also warns against the detrimental effects on society as a whole and on children witnessing such unpunished acts.

75. Under the provisions of article 26 of the Constitution, all citizens of the Republic of Croatia are equal before the courts and other authorities. Every reported criminal act is investigated and prosecuted, irrespective of the victim's or the perpetrator's nationality or religion.

76. We can also say that the family and criminal law protection of children, neglected or abused by their parents, is practised equitably, irrespective of the child's ethnic origin, religion, citizenship or other background. This approach was adopted even during the war, which is not to say that there were no isolated cases of uneven, though remediable, justice, owing to the Croatian three-instance judiciary system.

77. The Croatian Constitution and laws guarantee equal rights and freedoms to all, irrespective of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, birth, education or other considerations. All are equal before the law

(article 14 of the Constitution), a principle applying equally to children in Croatia. The Constitution provides for compulsory primary school education, but in practice not all children are integrated into the regular school system, although parents who neglect their children in this respect are liable to punishment. Special assistance is extended to teachers and schoolchildren in the reintegrated territories through various training programmes. The social welfare services are conducting continuous educational programmes aimed at upgrading the qualifications and efficiency of social workers, especially in their work with families and children exposed to the problems involved in the process of the return of refugees and reconstruction of their local communities in areas where Croatian sovereignty has been restored.

78. Children enjoy free health care, accessible to every child. They are exempted from participation in medical costs, otherwise mandatory for adults covered by the health insurance scheme.

79. Special care is taken of women and girls and the National Policy for the Promotion of Gender Equality has been launched. Eight-year primary school is mandatory for both girls and boys, with courses to be conducted under the same conditions, which makes the Croatian educational system one of the most advanced in the world. No distinction is made between girls and boys when it comes to enrolments in secondary schools and they can choose their future occupations under equal conditions. Grammar schools are attended by girls and boys in equal numbers, with boys tending to choose tougher occupations, whereas health-care courses are attended by girls in greater numbers.

80. The Constitution and the Constitutional Law on Human Rights and the Rights and Freedoms of Ethnic and National Communities or Minorities in the Republic of Croatia provide a legal basis for education of children belonging to national minorities, with their culture, language and religion being taken into account. Pre-school education in the native language is provided for Italian, Czech, Hungarian, Serb (including religious instruction), Austrian and German minorities. Secondary school courses in the native language, history and culture are organized for the Slovak minority. The children of the Ruthenian and Ukrainian minorities can attend schools with instruction in their native language. Jewish children in pre-schools receive general and religious instruction within the Jewish community.

81. Three years ago the Office for National Minorities launched a special programme intended to integrate into the regular school system those Romany children whose parents did not send them to school. Measures under this programme included both the pre-school education of Romany children and the creation of conditions for regular school attendance. The programme resulted, inter alia, in the introduction of running water in a Romany township, as well as electricity and infrastructure in this and other such settlements, co-financed in equal portions from the State budget and the budgets of the respective counties. The construction of a Romany kindergarten was also co-financed. Since 2000 the programme has been continued by financing the upgrading of Romany townships in four counties. Funds are earmarked for reconstruction of a Romany settlement in the City of Zagreb.

82. The Office for National Minorities has financed a number of training seminars for the Romany social workers associated with welfare centres, including two seminars for auxiliary primary schoolteachers organized by the Ministry of Education and Sports.

83. A total of 37,500 euros has been allocated for the development of a Romany settlement in Varaždin where 250 children live. For that settlement the Ministry of Labour and Social Welfare has provided a caravan to serve as nursery and school for small Romany children.

84. The Office for National Minorities, together with the competent authorities and 17 registered Romany organizations, has initiated the preparation of a national programme for the Romany comprising a system of measures to address the problems of the Romany communities, especially children. The programme would include refurbishing of Romany settlements, employment, school education for Romany children (integration into the regular school system, education in the native language, scholarships, acquaintance with Romany traditions, culture and customs), health care and professional training. The programme would require some amendments to current regulations. Special attention will be paid to an efficient protection of Romany children within the Criminal Law and Family Act, and to the preservation of the specific Romany culture and tradition.

85. The Ministry of Labour and Social Welfare is in charge of the Programme for the Training of Romany Mediators in Providing Assistance to Romany Parents to be implemented within the Programme of Integration of Romany Children into the Croatian Educational System. This Programme, begun in 1998, is intended to help Romany parents to raise the quality of life of their children.

86. Important educational events at the local level include a panel discussion on the Romany problems organized in January 2001 by the Zagreb City Office for Labour, Health and Social Welfare. Emphasis was laid on the housing problems of the Romany in Zagreb, neglect and abuse of Romany children (begging, depriving them of the right to go to school), as well as their inadequate social status.

87. Article 34 of the Aliens Act requires that the child of an alien granted a refugee status should enjoy the same right as his or her parent. Once the child completes 18 years of age, his or her earlier refugee status is replaced by the status of an alien on prolonged stay.

B. Best interests of the child and parental care (arts. 3 and 4)

88. The best interest of the child as a legal standard has been meanwhile highlighted and expanded in the new Croatian legislation, especially the Family Act, and is present as a legal standard in all court and administrative proceedings where the child's well-being is at stake. It is thus a powerful corrective to the institute of parental care, in that the child's rights are given greater importance in terms of both legal and natural considerations than that attached to the parents. According to the Family Act, parental care comprises the protection of the child's personal and property interests, as well as the responsibility of the parents for the child's well-being.

89. The child's interest is respected in deciding which parent the child will live with, if the child's parents do not live in the same household, and in deciding whether the child will be placed in the custody of another person or institution. In practice, problems are encountered in the length of procedures conducted before the court or a social welfare centre.

90. An agreement between the parents as to whom the child will live with is accepted only if found to be in the child's best interest. The same applies to an agreement made by parents at a welfare centre about the child's rearing. In that case the centre is officially responsible for ensuring that the agreement is not detrimental to the child's interest.

91. The child's interest is also taken into account in determining the times and ways of the child's contacts with the parent he or she is not living with, to the effect that such meetings may be denied if the child's health, physical and mental development and other interests so require. The parent who is not living with the child may be prohibited from approaching the child and from embarrassing him or her. Such a prohibition can be enforced even where meetings with the child have been formally arranged, but the parent repeatedly disturbs the child outside the agreed schedule.

92. A social welfare centre is authorized to take measures in order to protect the child's personal and property rights and interests, if these are found to be endangered.

93. The criterion for approving an under-age marriage is the interest of a minor wishing to get married. In practice, however, there are cases where, due to prejudices prevailing in a community regarding the pregnancy of a minor girl as the reason for entering into an under-age marriage, the principle of the child's best interests is not respected.

94. The child's best interest is respected in adoption procedures, so that no adoption is approved unless it is in the child's interest. This principle is largely heeded in practice.

95. With regard to the Committee's concern about the impact of economic woes caused by the transition to a market economy, especially the privatization of some social welfare services, which may affect the most vulnerable groups of children and influence the implementation of measures envisaged in article 4 of the Convention, we can report that in the current legislative reforms in Croatia special importance is attached to the protection of children as the most vulnerable group. Indeed, a high degree of harmonization has been achieved with the provisions of international conventions, especially the Convention on the Rights of the Child.

96. Since 1 January 1998 a new Social Welfare Act is in force, which defines social welfare as an activity of special national interest, one which provides assistance to meet the basic needs of socially vulnerable, helpless and other persons who by themselves or with the help of their families cannot meet such needs due to adverse personal, economic, social or other circumstances. This Act stipulates that support is to be given to the families, especially children and other helpless persons who are unable to take care of themselves. The Act also allows adequately qualified individuals to independently engage in rendering social welfare services in the area of counselling, aid and care.

97. Under the Family Act, bearing in mind the child's interest and depending on its age and maturity, parents have the right and duty to control the child's socializing with other persons. Thus they have the right and duty to prohibit their children who are under 16 if not escorted by them or an adult they trust from going out at night. We believe that this provision does not contravene article 15 of the Convention on the Rights of the Child. Of course, this requires a proper timing of events intended for children of this age (concerts, sports activities, disco clubs, etc.). A great help in the enforcement of this provision is given by the police. The way of

treating children in such cases is agreed between the Ministry of Labour and Social Welfare and the Ministry of the Interior. The primary purpose of the said regulation is to ensure the child's right to adequate and healthy development. To this end, contacts are established with parents in case of noticed shortcomings in rearing the child and professional assistance is extended to them, or preventive measures taken to protect the child's rights.

C. Right to life, survival and development (art. 6)

98. In 1996 there were 53,811 live-born children and 8 infants died per 1,000 live-borns, in 1997 55,501 live-born children and 8.2 infants died per 1,000 live-borns, in 1998 47,068 live-born children and 8.2 infants died per 1,000 live-borns, in 1999 45,179 live-born children and 7.7 infants died per 1,000 live-borns, in 2000 43,745 live-born children and 7.4 infants died per 1,000 live-borns. Data for 2001 are not yet available.

99. The Family Act contains provisions on the child's right to health and life. The parents' duty is to care for their child's life and health and to enable him or her to use available facilities for the promotion, preservation and restoration of health, in accordance with current health-care regulations and standards set by medical science. Parents have to protect their child from humiliating treatment and corporal punishment by other persons. The law prohibits parents from leaving their child at the pre-school age alone or without control of an adult. The purpose of this provision is to prevent accidental harm to the child.

100. In case of inadequate parental care the Family Act provides for preventive measures, including those limiting or excluding parental care. For example, a parent who has failed to take the child to a doctor will be warned and in case of repeated omissions of this kind, supervision of parental care will be imposed. If a risk is posed to the child's life and health requiring medical intervention which parents refuse to approve (e.g., for reasons of religious conviction or prejudices), the responsible social welfare centre will designate a guardian for the specific case who will give consent instead of the parents.

101. Under the Family Act, the primary responsibility for the proper development and education of the child lies with the parents, i.e., the child's family.

102. The intention of both Croatian legislation and government policies is to create conditions for the family (parents above all), such as jobs, housing, social support, which will constitute a favourable environment for the rearing of children.

103. Next to incurable diseases the most frequent cause of death among children is traffic accidents. For that reason the traffic police have been conducting a campaign called "Mind Our Signs", primarily intended for schoolchildren who for the first time come to face the traffic on their own, and particularly intensified at the beginning of a new school year. The action includes special traffic signs and controls within the zones of kindergartens and schools to warn the drivers of the presence of children, plus age-suited lectures instructing children in kindergartens, primary and secondary schools how to behave in traffic situations. In order to familiarize children with traffic regulations and teach them what to do in the traffic, the traffic police, in

cooperation with the Croatian Automobile Club, are organizing "Safety in Traffic" competitions in all counties. Schoolchildren over 9 years of age are taught how to ride a bicycle independently and if they complete the courses successfully, they are granted a certificate allowing them to ride bicycles in the street traffic.

104. Following are annual statistics on traffic accidents involving children (under 18):

1996: 3,025 children injured, 81 died;

1997: 2,818 children injured, 69 died;

1998: 3,040 children injured, 70 died;

1999: 3,142 children injured, 44 died;

2000: 1,774 children injured, 26 died;

2001: 3,450 children injured (of whom 1,877 under 14), 57 died.

105. Ever since the war began and until it ended the civil defence services have been intensively engaged in protecting children from hidden landmines. In kindergartens and schools lectures are given to children on mine dangers and printed and graphic materials distributed, with special emphasis on the war-affected areas. During and after the war 74 children in Croatia have lost their lives from anti-personnel landmines, 1.8 million of which were planted on 11 per cent of Croatia's territory.

106. The Ministry of the Interior, in collaboration with the Ministry of Education and Sports and the UNICEF Office for Croatia, held a conference (Dubrovnik, March 1995) on the protection of children from hidden mines and weapons and defined a strategy to this effect to be implemented by 2005. The Ministry of Education and Sports and "Andrija Štampar" School published an "Educational package for the protection of children from mines" which was distributed to pre-school and school institutions.

107. The civil defence officers give lectures to primary schoolchildren on the risks from hidden military materiel. The Croatian Red Cross also participated in anti-mine campaigns.

108. Television and radio spots were broadcast by national and local stations, warning of the risks from mines and unexploded ammunition.

109. The civil defence service took part in the International Exhibition of Interprotex Safety Equipment and the International Children's Fair by visually displaying to children the dangers of hidden mines and ammunition and distributing promotional and educational material. The civil defence service takes part in mine-clearing operations, as well as inspection of the companies engaged in such operations, and informs and educates the public on mine risks, in accordance with the 1998 Demining Act and the Government's relevant decree. Since 1998 the Croatian Demining Centre is in charge of all matters relating to the protection of children from the remaining war material.

110. As drug addicts are a very discreet group, it is not easy to give their exact number. Research studies in Croatia have shown that about 5 per cent of urban adolescents manifest signs of serious social dysfunction caused by drug abuse. It has also been found that about 45 per cent of young people have experimented with one drug or another until they have attained majority. Based on the number of persons appearing for the first time for drug treatment (about 1,000 new heroin addicts a year), the number of fatalities due to overdose (50 a year) and some other indicators, unless preventive measures are urgently improved, Croatia will soon reach the level of the problem being faced by the richest countries of Western Europe. At present, the rate of drug addiction in Croatia stands at 3.1 per 1,000. As at the end of 2000 Croatia had an estimated 15,000 drug addicts, including at least 13,000 heroin addicts, plus 40,000-50,000 occasional consumers of narcotic drugs. Due to inadequate treatment facilities, it is estimated that more than 50 per cent of addicts, or about 8,000, are not included in any anti-drug treatment and are roaming the streets in a daily search for drugs.

111. The main national system for care of this population is a network of county centres for outpatient addiction therapy, so far attended by 11,000 addicts (including 6,500 heroin addicts).

112. The capacities of only two available hospital treatment departments, located in Zagreb, are absolutely insufficient to cope with the existing needs. Other psychiatric clinics take on only a negligible number of addicts, because they cannot even carry out detoxification successfully, let alone keep and cure such patients. Without hospital intervention, heroin addicts cannot be detoxified within the outpatient or family treatment. That is why such addicts either become recidivists or subsist on methadone.

113. Therapeutic communities (“communes”) have offered the only solutions for many drug addicts, but more than 70 per cent of them find such programmes too long and too demanding. In Croatia there are seven such communes sponsored by foreign NGOs, which accommodate 272 inmates.

114. In the National Strategy for Drug Abuse Prevention, passed by the Croatian Parliament, preventive programmes for schools occupy a key place in primary prevention actions (addressing the still healthy, not yet affected population). Secondary prevention programmes include measures for early identification of affected persons as a prerequisite for timely intervention. Such preventive programme for schools greatly contribute to the overall efforts by the community to reduce demand for narcotic drugs. Such programmes are conceived and carried out by the school staff. Schools are given a chance to get access to the resources of local communities and the know-how of external experts, especially in cases involving direct educational work with parents or teacher training courses.

115. No government agency in Croatia is specifically responsible for the prevention of suicides among children, nor are there any programmes in this respect being conducted by any governmental or non-governmental organization.

116. The Criminal Law provides for a prison sentence from six months to five years for a person who induces or helps a child to commit suicide (complicity in suicide), or a minimum of five years for a person who directly induces and helps a child to commit suicide (considered as a murder).

Table 3**Suicides committed by children and young people**

Year	Number of suicides		
	Total	Up to 9 years of age	10-19 years of age
1996	52	-	52
1997	38	-	38
1998	39	-	39
1999	48	-	48
2000	28	-	28

Source: 2001 Yearbook of Statistics.

117. However, the above total number of suicides among children is not correct, because the National Bureau of Statistics wrongly provides data for population up to 19 (not 18) years of age. An objection in this respect will be sent to the Bureau.

118. As no suicide data have been released for 2001, we can use official data given by the Ministry of the Interior, according to which 50 suicides among children were registered in 2001, of which 28 children under 14, and 22 children aged between 14 and 18.

119. Under the new Criminal Law, killing a child is an act of qualified murder and the perpetrator is liable to a punishment of at least eight-years' imprisonment or a long-term prison sentence. A mother who kills her child at birth or shortly afterwards (infanticide) is liable to a prison sentence from one to eight years.

120. According to data provided by the Ministry of the Interior, from 1995 to 2001 there were 44 reported cases of infanticide: 6 in 1995, 6 in 1996, 10 in 1997, 10 in 1998, 4 in 1999, 7 in 2000, and 1 in 2001.

D. Respect for the views of the child (art. 12)

121. Amendments to the Constitution of the Republic of Croatia (1997, 1998, 2000 and 2001) have not in any way affected the constitutional rights to the freedom of thought and expression of every individual, including children.

122. Respect for the child's own views is reflected in a number of provisions of the Family Act which recognizes the child's legal personality in specific cases, such as the following:

(a) The child has the right to apply to the competent authorities for the protection of his or her rights and the authorities have to take action accordingly;

(b) A child aged over 14 and capable of understanding paternity proceedings must be asked for his consent to recognition of paternity;

(c) A minor aged over 16 may recognize maternity and paternity if capable of understanding the meaning of a statement of recognition;

- (d) A child aged over 15 having a legal guardian may dispute a decision on the appointment or replacement of the guardian, as well as any acts affecting his or her rights and interests;
- (e) A child capable of understanding the meaning and legal consequences of his or her actions may request the competent authority to issue a new decision on parental care;
- (f) The child has the right to lodge a complaint with the social welfare centre in cases of disagreement between his or her parents about how to exercise parental care and the welfare centre has to issue a decision in the interest of the child;
- (g) In any procedure involving the protection of the child's rights and well-being the child must be given a chance to learn about the essential elements of the matter at issue, to be advised and to express his or her view, to be informed about possible consequences if his or her opinion is accepted. The child's view will be heeded depending on his or her age, maturity and best interests;
- (h) In adoption proceedings consent is sought from a child aged over 12, if the social welfare centre decides that it is in the child's interest. In an adoption procedure the child must be acquainted with the legal consequences of adoption;
- (i) A minor may independently apply for permission to enter into under-age marriage and can lodge a complaint against the decision.

The above examples show that the Croatian legislation keeps abreast of modern trends, respects the child's individuality and attaches special importance to the child's rights.

123. The Personal Name Act stipulates that a child aged over 12 must approve a change of his or her personal name (first name and family name). The Centre on the Rights of the Child has published a study entitled "The child's right to freely express his or her views in divorce proceedings" in cooperation with the UNICEF Office for Croatia. The study's objectives were: (a) to determine the scope and ways of ensuring the child's right to freely express his or her own views (article 12 of the Convention) in divorce proceedings based on the new Family Act; and (b) to explore the opinions and attitudes of judges and social workers on the matter. By using the quantitative method (analysis of court cases) and the qualitative method (discussions with judges and social welfare experts) the following results have been obtained:

A sample of 250 court cases (Zagreb Municipal Court) comprised 356 children and 73 judges. In only 22 cases (8.8 per cent) children were asked for their opinion. It was found that the final court decisions were not necessarily in line with the child's desires, but then the Act insists on the child's best interest. Interviews with experienced judges, social workers and psychologists confirmed the need for partnership. They all show concern for the child during a divorce procedure and feel that the child should be informed of his or her right to freely express his or her opinion. All surveyed target groups agree on the need to organize training courses for professionals, parents and children on the child's rights in cases of divorce, to create conditions suitable for the

child to freely express his or her own opinion in divorce proceedings (at school, to their relatives, in special premises with appropriate atmosphere), and to designate a legal counsel for the child. For further information in respect of article 15 of the Convention, see paragraphs 124-130 below.

IV. CIVIL RIGHTS AND FREEDOMS (arts. 7, 8, 13, 17 and 37, para. (a))

A. Name and citizenship

124. Every child born in Croatia is registered immediately after birth and given a name (first name, family name) agreed between the parents. If the parents cannot agree on the child's name, or if the child's parents are unknown, the name will be given by the social welfare centre. There is also a possibility of changing the child's name in accordance with the Personal Name Act.

125. The Family Act has introduced some novelties in terms of the child's right to know his or her parents, as stipulated in the Convention. Thus, if the father's personal data are not available during the child's registration, the registrar has to inform the mother about the child's right to know who his or her father is and about legal ways of asserting this right. If the child is registered without the father's personal data, the registrar has to notify the social welfare centre about this fact. The welfare centre in turn has to call the mother and tell her that it is her duty to name the person she believes is the child's father. If she discloses the father's identity, the welfare centre will officially call the person to report to the centre to acknowledge paternity. If the fact of paternity (or maternity) is not established through personal acknowledgement, a court procedure can be instituted to which the child can also be a suing party up to the age of 15. One of the difficulties encountered in earlier court procedures of this kind was the high cost of expertise that the suing party (the child's mother or the child) was faced with. Under the new provisions of the Family Act this problem is eliminated, because an advance towards the costs of expertise is now covered by the court. The Family Act also provides for the right to dispute paternity or maternity.

126. As for the child's right to acquire citizenship, no changes in legislation have been made, so the situation in this respect corresponds to what was stated in the initial report. The Croatian Citizenship Act contains a series of provisions allowing a child to acquire Croatian citizenship to avoid a situation where the child would otherwise be stateless. For example, special protection is assured for a child born or found in Croatia, if both parents are unknown, of unknown citizenship, or stateless. In that case the child acquires Croatian citizenship. However, the child will lose his or her citizenship if before the age of 14 it is found that his or her parents are both aliens or if the parents submit an application to this effect. In practice problems may arise in acquiring citizenship if one or both parents, who are not Croatian nationals, are known but their residence is unknown. In such cases children cannot acquire Croatian citizenship because there is no legal provision which would regulate such situations. In such cases, in compliance with the Croatian regulations, the child is placed with a foster family or a welfare institution and enjoys full protection. The country of origin of his or her parents is notified of the placement.

127. A problem arises if the State concerned fails for some years to take responsibility for a child whose parents' nationality is known, or to agree that the Croatian State may assume permanent care for the child through the institute of adoption. In that case, children stay in a children's home or with a foster family until they reach majority, and are entitled to health care and primary and secondary school education, but what they will miss, of course, is parental love and care.

B. Preservation of the child's identity (arts. 8 and 20)

128. For preservation of the child's identity the new Family Act stipulates the child's right to learn from the adopted parents by the age of 7 at the latest that he or she is an adopted child, or immediately after adoption if adoption takes place after that age. In this regard there were some negative public reactions (specifically from the Organization of Adoptive Parents) on the grounds that in this way the adopted children are discriminated against in relation to those who live with their natural parents. The law does not obligate the responsible welfare centre to check if the child is informed about the fact of his or her being an adopted child, nor does it provide for any sanction against the adoptive parents. The welfare centre which conducts the adoption procedure informs the adoptive parents about this right of the child and the reasons why it is important for the child to learn that he or she is adopted.

129. Adoption data are kept confidential and access to the adoption file and the chance to learn who the biological parents are will be allowed once the age of majority has been attained. Access to the adoption file can also be allowed to a minor if it is in his or her interest. A child aged over 12 at the time of adoption must give consent to a change of name. In both the adoption procedure and the choice of foster placement the responsible welfare centre pays due regard to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background in compliance with articles 8 and 20 of the Convention.

130. Only one case of a child's changed identity has been recorded in Croatia. A mother checked in a maternity hospital with the personal documents of another woman who immediately after the child's birth took the baby as her own, although the biological mother, a refugee, entrusted the baby to her custody only until she solved her social status. Under the Family Act, maternity determination measures were taken and criminal charges brought.

C. Freedom of expression, thought, conscience and religion (arts. 13 and 14)

131. No major changes in this respect have taken place since the initial report. Article 92, paragraph 2, of the Family Act provides that the child's upbringing must suit his or her age and maturity, with the child's right to the freedom of conscience, religion and other conviction. Important progress since the initial report has been made in article 88 of the Act which states that the child has the right to seek protection of his or her rights before the competent authority which is then obliged to act accordingly.

132. The Croatian pre-school institutions as well as primary and secondary schools encourage the child through their curricula to give verbal or written expression to his or her individuality and to give and receive information, and exchange ideas of any kind, irrespective of national borders, and by any means, artistic or otherwise, chosen by the child. Such encouragement also

comes from parents, either directly or by sending their children to take part in various out-of-school activities. Under the Family Act, parents are expected to attend school consultations with the child's teachers and to care for the child's varied education, including development of artistic, technical, sports and other skills. If such parental duties are neglected, there is a possibility of official intervention by taking appropriate measures in the interest of the child.

133. Pre-school education in Croatia is organized in 454 kindergartens, including 45 religious and 80 private ones. Regular programmes comprise 133,261 pre-schoolchildren, or 36 per cent of the total pre-school population. Each local self-government unit must meet necessary requirements for this purpose in terms of accommodation and programmes suited to the child's needs, interests and abilities. According to the national guidelines for long-term development of education in Croatia, by 2005 the pre-school education system should comprise 60 per cent of the total pre-school population (from 6 months to 6 years of age).

D. Freedom of association and of peaceful assembly (art. 15)

134. A change in relation to the previous report is that the earlier Social Organizations and Associations Act has been replaced by the 1997 Associations Act. Under the Associations Act, members of an association can be Croatian citizens possessing legal capacity or legal entities resident in Croatia. As for persons lacking legal capacity, including children, they can become only nominal members of associations, without the right to participate in the managing bodies of an association.

135. About 40 foundations have been established in Croatia, of which 10 or so deal with children one way or the other (aid, scholarships, help to children's creativity, etc.). A special role for children victims of the war is played by "Ivan Brlić Mažuranić" Foundation, established on 10 March 1992 by the Minister of Labour and Social Welfare with the purpose of helping children whose one or both parents were killed or disabled in the war. The Foundation draws up lists of needy children, collects financial and material aid, mediates in temporary or long-term foster home arrangements, such as "godparenthood", and provides assistance in further education, among other things. The Foundation has been highly flexible in coordinating the work of various humanitarian organizations engaged in collecting and distributing aid to children. In 1996 it found "godparents" for 394 children from among individuals or families abroad attached to humanitarian organizations such as the German-Croatian Forum, Augsburg, which at the very start arranged "godparenthoods" for 240 children, and the Association of Friends, Milan, which within three years arranged "godparenthoods" for 106 children. Many donors from home and abroad pay in their contributions to the Foundation's account at their own initiative. These funds were used for one-time (Christmas and New Year) money assistance, purchase of school textbooks and accessories and for other needs of children victims of the war. Since the end of 2000, although the Foundation ceased to operate because it did not comply with the provisions of the Foundations Act, 60 children have continued to receive help from their "godparents".

136. Many NGOs engaged in child protection include children in their programme activities. Their work is helped from the State budget. Thus, in 2000 the programmes of 65 NGOs were financed wholly or partially from the State budget. Cooperation between non-governmental and governmental organizations has been particularly helpful in the area of child protection in cases

involving family violence (SOS and Courage Telephones). The opening of homes for victims of domestic violence is encouraged, educational seminars and consultations are held, and various publications on child rights published.

137. Attempts were made by local communities to ensure the participation of children in the decision-making process. For example, the “Children’s Forum” project (started on 20 November 1999), launched by “Our Children” Union, has resulted in 86 children’s forums being set up throughout Croatia involving more than 2,000 children from 9 to 14 years of age. The representatives of the children’s forums from one town constitute a “children’s city council” which follows up the work of the town administration and puts forward proposals. Currently 34 towns have councils of this kind. In the first week of October the “Children’s Week” is held and the mayor receives children’s delegations. Children’s councils are also formed in children’s homes by inmates over 10 years of age. They meet once a month and come up with proposals to the superintendent. If the superintendent does not respond to their proposals, or if they are not satisfied with the response, they can go a step further by presenting their proposals to the managing board.

E. Protection of privacy (art. 16)

138. The protection of the child’s privacy can be described in terms of two aspects. The first is the child’s privacy within the family. Professional work with families shows that traditional family patterns still persist here and there. For example, parents tend to read the child’s letters, diaries and the like. It happens quite often that after such infringement children, especially adolescents, are exposed to verbal and even physical violence. To eliminate such incidents, teachers, the media and experts specialized in family conflicts highlight the harmful effects of such practices on the child’s physical and mental growth. Particularly effective in this regard are some television programmes for children and parents, combined with regular spots promoting the child’s rights.

139. On the other hand, newspapers, especially sensational ones, often give an unfair account of criminal acts injurious to children (gross neglect and abuse, especially sexual exploitation of children). True, the child’s name is not published, but the published data on the perpetrator often identify the child, which adversely affects the child’s normal development. That is why more lawsuits will be filed against reporters in future, or complaints lodged with the journalists’ associations calling on them to abide by the code of conduct of their profession. The Media Act (art. 13, para. 2) requires the public media to respect the privacy and dignity of citizens, especially children, youth and families.

140. Some registrars are issuing documents for an adopted child with data on his or her biological parents and a remark that the child was adopted, by whom and when, which also constitutes a violation of the child’s right to privacy.

141. The Juvenile Court Act as a law intended for minor offenders provides in its article 55:

“(1) The course of criminal proceedings against a minor, or the ruling passed, shall not be publicized without the court’s approval;

“(2) Only the part of the proceedings and the part of the ruling for which an approval has been obtained may be publicized, but in this case the minor’s name and other data which may suggest the minor’s identity shall not be disclosed.”

These provisions equally apply to criminal acts injurious to the child. A person who violates these provisions may be charged with abuse of the Official Secret Act.

142. As for the secrecy of criminal proceedings conducted against minors or for acts committed against children, a seminar on the role of the media in juvenile cases was held in November 1999 by the Union of Croatian Judges, the Public Attorney’s Office of the Republic of Croatia, the Croatian Journalists’ Society and the American Chamber of the Bar. The seminar was attended by juvenile court judges, public prosecutors and journalists covering juvenile delinquency and crimes against children. Since more and more public discussion has recently focused on cases of violence against children, the media have become much more responsive to this problem. Yet, in spite of this change for the better, continued education of journalists is deemed necessary.

F. Access to information (art. 17)

143. Over the past period important progress has been made in the inclusion of all major actors, especially the mass media, in the promotion of the child’s rights in a suitable manner. Great attention is also paid to the accessibility of children’s books, so each school and each town district has a children’s library.

144. A number of children in Croatia are using the Internet which provides them with highly desirable but also very harmful information. It is estimated that some 400,000 individuals, or about 10 per cent of Croatia’s population, are using the Internet.

145. The practice shows that children are becoming increasingly well informed about their rights. More and more children are turning with their problems to their schoolteachers, health institutions, social welfare centres, police stations and other relevant official places.

146. The Institute for Social Research, Zagreb, has conducted a study on the role of the mass media in the everyday life of children. The survey comprised 1,000 children aged 10-14 from various parts of Croatia. The results show that the role of the media in the child’s leisure time is quite important. Nevertheless, children spend more time with their friends or watching television. The older they are the more preference they give to radio (girls more than boys). Fifty-six per cent of the subjects watch television for three or more hours a day (75 per cent of them have three or more hours of leisure time). It is their performance in school rather than the level of education of their parents that determines the length of television viewing (the group with lower school grades had both extremes in the length of time spent before the television set, whereas the best students tend to watch television for two hours a day). Films and serials attract over 80 per cent of children, prize and quiz shows over 60 per cent, whereas culture and current affairs programmes are found least attractive. Children are extremely fond of comedies (92 per cent). The results also show that the older they get the less they care for educational programmes (preferred more by girls than boys). Children from lower-class families and small provincial towns prefer entertainment programmes. Boys and young children are fond of programmes which satisfy their need for excitement.

147. In 1999 the National Institute for the Protection of Family, Maternity and Youth, in cooperation with UNICEF, launched a project entitled “The impact of the mass media on children”. The conclusions from panel discussions following this research project require the introduction of media education in the school with a view to protecting children from adverse consequences through specific regulations.

148. A major contribution to informing children about their rights and to sensitizing the public to this issue has been made by many NGOs and various UNICEF-sponsored projects in Croatia. Particularly worth noting in this regard are the Association for Initiatives in Social Policies, the Our Children Society, and the Small Step Organizations. Special credit for the promotion of the child’s rights goes to projects which have resulted in the production of two books entitled: “We Know and Live Our Rights” and “Education for Development”, a collaborative effort of UNICEF and the Ministry of Education and Sports.

149. As part of its scientific, educational and documentary programmes the national television airs regular broadcasts on the rights of the child, together with eye-catching spots promoting the rights and the principles embodied in the Convention.

G. The right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37, para. (a))

150. This issue was discussed in detail in Croatia’s initial report, so only important changes will be described here.

151. Croatia has no death penalty nor life imprisonment. Adult offenders can be sentenced to a maximum prison term of 40 years. Juvenile custody, as a rule, cannot exceed 5 years, in exceptional cases 10 years for crimes for which an adult person would receive a long-term prison sentence.

152. The constitutional principles, as well as legislation and the public at large, are strongly opposed to torture of any human being, especially children.

153. For more information on juvenile delinquents, see chapter VIII, section B, below.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance and responsibility (arts. 5 and 18, paras. 1 and 2)

154. Both general and special provisions of the Family Act define the responsibilities, duties and rights of parents to care for the life and health of their child, to protect the child from degrading treatment and physical punishment by others, to care for the child’s upbringing, education, property rights and to live with the child by respecting his or her personality in compliance with the Convention. The Family Act also provides for preventive measures in cases where parents fail to properly attend to their parental duties.

155. Optimal mental and physical development of the child certainly requires a family environment and shared responsibility for his or her upbringing and rearing by both parents. As noted in the earlier report, parents are generally loving and caring, even when faced with

extreme difficulties and sacrifices. According to the 2001 Yearbook of Statistics, out of 827,281 married couples with children (1991 census) 140,134 children live only with their mothers, and 29,525 only with their fathers.

156. To strengthen the family and promote the child's rights, daily accommodation is provided, especially for self-supporting mothers, but also for all employed parents, in nurseries, kindergartens and schools. The costs of these facilities are for the most part met from the State budget; parents pay only part of the cost, the amounts being proportional to their financial situation and housing conditions.

157. In compliance with the Social Welfare Act and in the interest of family life, poor parents and children with special needs are also helped financially. Such assistance, regulated by the Social Welfare Act, includes:

- (a) Upkeep aid, extended to single persons or families without means for bare necessities according to the criteria defined in this Act;
- (b) Housing cost aid which may be approved to a single person or a family (according to the criteria defined in this Act);
- (c) One-time aid to a single person or a family faced with serious financial hardships;
- (d) Allowance for assistance and care approved to a person who needs daily help from another person;
- (e) Disability benefits payable to a person with serious physical or mental disability or a person whose health is permanently impaired and whose impairment or disease was caused before the age of 18.

158. The Social Welfare Act pays special attention to poor families with children. In determining the amount of upkeep aid and other rights under this Act, account is taken of the number of family members and its age structure. Families with numerous children are entitled to more aid. Under the Social Welfare Act a child under 15 is considered wholly unable to work, and a child from 15 to 18 years of age or up to completed schooling need not be registered with the labour office to qualify for upkeep aid.

159. Although some parents lack the required skills or even the will to properly rear their child, if it is in the child's best interest to remain in the family environment, the Family Act provides for two preventive measures, also applicable at the time of the initial report, which are now elaborated in more detail. These measures are as follows:

- (a) The social welfare centre will warn the parents of their failures and omissions in childcare and help them eliminate such failures and omissions; it may also refer them to a counselling centre or a school for parents;
- (b) The social welfare centre will order a supervision of parental care where failures and omissions in childcare are multifaceted or repeated and where the parents need special help in rearing the child. In such cases a person is designated to perform supervision and define the supervision programme; if required, the child and the parent are sent to a health or other

institution for treatment or other professional help, or the child may be sent to a children's home for half-day or daily stay. Such supervision is ordered for a minimum period of six months and the person in charge of supervision reports to the social welfare centre at least once every two months, or at shorter intervals if so requested by the centre.

160. Under article 97 of the Family Act, parents have the duty and right to represent their child and carry out legal transactions on his or her behalf, unless otherwise stated by the law. What is promoted here is the developing freedom of the child to take independent legal actions.

161. The social welfare centre can at any time request parents to account for the way they are managing the child's property, or the income earned by the child or by the family for the needs of the child, based on special regulations.

162. For the protection and management of the child's property the social welfare centre can confer on the parents the status of legal guardians.

163. If, in the opinion of the court or the social welfare centre, a conflict of interests is likely to arise in a legal case between the child and the parents, the social welfare centre will appoint a legal guardian to act on behalf of the child and to represent its interests in an administrative or court procedure or in a legal transaction between the child and the parents. In addition, for the purpose of protecting the child's property rights the social welfare centre may request the court to impose surety on the parents' property.

164. Compared to the earlier Marriage and Family Relations Act, the new Family Act introduces the principle of shared parental care and responsibility in cases where parents live separately. In such cases the competent authority may decide that some duties pertaining to parental care will be performed by the parent with whom the child lives (e.g., care for the child's health, out-of-school activities, help in learning, property management, etc.). In a specific case the competent authority may decide that only one parent will care for the child.

B. Separation from parents and upbringing outside the child's own family (arts. 9 and 20)

165. While the child's own family is normally the best environment for his or her upbringing, in some situations it is in the child's interest to be entrusted to the care of a social welfare institution, an individual, or a foster family. The same is applied to children without parents.

166. Under the Social Welfare Act, children whose parents may have a sense of responsibility for and be emotionally attached to them, but their living conditions (a serious chronic or contagious disease, poor housing, etc.) do not allow them for the time being to live a family life with their child may be placed in a children's home or a foster family. According to this Act, a child may be separated from his or her parents only on a temporary basis until such time as the parents have created conditions for joint family life. In the meantime, the parent must keep regular contacts with the child and take care of him or her as far as possible. The parents ought to give their consent to the child's placement and can interrupt the arrangement any time they choose and assume full responsibility for their child. For those parents who do not meet

requirements for the child's return to the family a procedure may be instituted to withdraw the right of parental care. Under this same Act, children with special needs (physically or mentally handicapped), may be placed in a welfare institution, if it is in the interest of their rehabilitation or education, or if their parents are unable to adequately provide for them.

167. Under the Family Act, separation of children from their families and their placement in a welfare institution or a foster family is linked to measures limiting or excluding parental care. If parents are grossly neglecting the duties of rearing and upbringing, or if the child's proper upbringing is at risk, the social welfare centre may deny parent(s) the right to live with and rear the child; in such cases the child will be placed in the custody of a foster family or a children's home. Considered as serious neglect of the child is insufficient care for the child's food, hygiene, clothes, medical assistance, regular school attendance and other needs. This measure is also applied to parents who have not protected their child from the harmful influence of other persons, especially other members of the family. Withdrawing the right of custody and upbringing does not relieve parents of other parental duties vis-à-vis the child. The parents remain responsible for all important decisions affecting the person and the property of the child. For example, they will decide on the type of school the child is going to attend, surgical interventions, employment, etc. The parents also remain committed to regularly meeting the child and to contribute to his or her support.

168. At its own discretion or if so requested by the parent or legal guardian, the social welfare centre may assign a child with newly occurring behavioural disorders to a welfare institution for half-day, daily, weekly or longer stay, if the parents or the foster family are unable to rear the child in a satisfactory manner. The treatment of children placed in a reformatory will be described below in more detail.

169. It should be noted that under the new Family Act the withdrawal of the parents' right to live with their child and the assignment to a reformatory can be imposed by the social welfare centres for a maximum duration of one year, after which in the interest of the child the efficacy of the imposed measure must be reviewed and the same or another protection measure imposed. Furthermore, a child can be separated from his or her parents if the court has decided to deny them the right of parental care for gross neglect or abuse of parental duties.

170. Unlike the earlier regulations, the Family Act explicitly defines the meaning of gross neglect or abuse of parental rights and duties. Under article 115 of the Family Act, a parent is abusing the parental rights and duties, if he or she:

- (a) Exerts physical or mental violence over the child;
- (b) Sexually exploits the child;
- (c) Exploits the child by forcing it to do exhausting work or work not suited to its age,
- (d) Allows the child to consume alcohol, narcotic drugs or other substances;
- (e) Induces the child to behave in a socially unacceptable manner;
- (f) In other ways seriously violates the child's rights.

171. A parent is considered to be grossly neglecting parental rights and duties, if he or she:
- (a) Abandons the child;
 - (b) Fails for more than three months to care for the child with whom he or she lives;
 - (c) Fails within one year without a strongly justified reason to create conditions for family life with the child who is placed with another family or in a children's home;
 - (d) Fails to provide the bare necessities for the child with whom he or she lives or to comply with the measures imposed by a competent authority in the interest of the child's rights and well-being.
172. Children who are separated from their families are placed in social welfare institutions. Data on these children are given below:
- Homes for children deprived of proper parental care (1,138 placed by end of 2001);
 - Homes for children with behavioural disorders (1,060 placed by end of 2001);
 - Homes for children with special needs (1,888 placed by end of 2001).
173. In 2001 foster families hosted 2,635 children of whom 1,481 for reasons of inadequate parental care, 44 with behavioural disorders, 241 because their parents were unable to take care of them (up to three months), 6 together with their mothers, 40 with mental disorders or addicts, and 553 physically or mentally handicapped.
174. The above data are taken from the records of the Ministry of Labour and Social Welfare.
175. Regarding the choice of the foster family it should be noted that this procedure is conducted by a social welfare centre with an expert team on its staff (a social worker, psychologist and lawyer). These experts carefully analyse the prevailing financial and social conditions in a prospective foster family as well as personal traits of fosterers (their attitude to children, their motives for placing the child, their qualifications in terms of what they can contribute to the child's education, their characteristics as educators, their housing conditions, etc.). Wherever possible, due regard is paid to the desirability of placing the child in a family as much similar as possible to the child's ethnic, religious, cultural and linguistic background (in line with the Convention).
176. Qualified personnel of the social welfare centre are responsible for overseeing the progress made by the child in adapting to his new environment and regularly following up the health, development and upbringing of the fostered child.
177. In case of any doubt about the well-being of the child living in a foster family, the welfare centre concerned will revoke its foster placement decision and seek an alternative placement, especially if it is found that the existing foster family is solely motivated by money.

178. It should be noted that placement in a foster family or a children's home is considered a temporary measure until conditions have been created for the child's return to his or her own family, or for adoption.

C. Family reunification (art. 10)

179. The legislation of the Republic of Croatia stipulates that, unless a treaty provides otherwise, a competent authority of the Republic of Croatia shall take provisional measures for the protection of the rights and interests of the person and property of a foreign national until an authority of the State whose national such person is issues appropriate decision and takes specific measures. Accordingly, the competent authorities of the Republic of Croatia take all necessary measures to protect children living on its territory without parental care, and they communicate their names to the Ministry of Labour and Social Welfare. In all such cases the Ministry of Labour and Social Welfare informs the competent authorities of their parents' domicile State.

180. It should be noted that the number of children of families separated by war was greatly reduced over the past years, and the competent authorities of the Republic of Croatia take all measures and activities aimed at family reunification or at least at establishing contact with the relatives if parents cannot be found. To this end, the authorities have established cooperation with the International Committee of the Red Cross within which there is a search service, and with the United Nations High Commissioner for Refugees and UNICEF. The International Social Service is of great help, too.

181. For instance, in 1997, social welfare centres issued decisions terminating custody for 67 persons, of whom 35 attained majority and 32 children reunited with their families in the Republic of Croatia, Bosnia and Herzegovina, the Federal Republic of Yugoslavia or other countries.

182. In a large number of cases the contacts between parents and their children and relatives were established through cooperation with ISS offices in Europe and the competent authorities of the Republic of Croatia.

183. Croatia is a party to the Hague Convention on the Civil Aspects of International Child Abduction, pursuant to which Croatia acts on the requests of the central authorities of other States and of its own citizens.

D. Illicit transfer and non-return of the child (art. 11)

184. While basic information was presented in the initial report, this report will briefly present new developments in the legislation and practice.

185. The Republic of Croatia has been a party to the Hague Convention on the Civil Aspects of International Child Abduction since 8 October 1991. The Convention was ratified by Croatia on 7 April 1994.

186. The Ministry of Labour and Social Welfare, as a central authority in the sense of the provisions of the Convention, annually deals with about 10 cases of illicit transfer or non-return of children, in addition to 10 more cases concerning the enforcement of decisions on contacts (meeting and staying with the parent with whom the child does not regularly live).

187. The decision on the recognition and enforcement of foreign court decisions in such cases, including the decisions on the requests pursuant to the Hague Convention on Civil Aspects of International Child Abduction, lies within the jurisdiction of the courts. The Republic of Croatia is considering acceding to the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children.

188. According to information from the Ministry of the Interior concerning the current reporting period, police authorities acted within their competence in 18 cases of illicit transfer or abduction of children, pursuant to the Hague Convention on the Civil Aspects of International Child Abduction (establishing children's whereabouts and providing assistance in enforcing court decisions on the return of children). The problem of the court practice is that there is no uniform proceeding, which is why it is necessary to train those experts dealing with such cases within the justice and administration systems. To date, proposed plans for training courses have not been accepted owing to lack of funds in the national budget.

189. With regard to new developments in the legislation of the Republic of Croatia the Criminal Code contains a provision pursuant to which a person who takes a child away from its parents, guardians, or institution to which the child was entrusted, and takes the child abroad, is liable to severe punishment.

190. Pursuant to the Family Act, if the child is, without legal ground, with another person who refuses to return the child, the social welfare centre shall decide on the parents' request without delay.

E. Maintenance (art. 27, para. 4)

191. The basis of maintenance was presented in detail in the initial report; therefore only amendments to the legislation will be presented here.

192. Parents are under an obligation to provide maintenance for their child who is of age in the following cases:

(a) During the regular education of the child and until it has been completed, plus one more year after completing the education, if the child cannot get a job;

(b) If, due to illness and physical or mental handicaps, the child is incapable of working and has no sufficient means of support.

193. The Republic of Croatia is a party to the United Nations Convention on the Recovery of Alimony from Abroad of 1956 and acts pursuant to it in case of international requests. Annually, there are about 70 such requests from other States on average, while the Republic of Croatia makes about 30 such claims to other States on behalf of children who live on its territory.

F. Children deprived of their family environment (art. 20)

194. The implementation of article 20 of the Convention was reported on among the issues dealt with under article 6.

G. Adoption (art. 21)

195. In the opinion of experts adoption is the most appropriate form of protection of children without parental care and children whose parents do not take proper care of them and there is no chance they are going to do so any time soon.

196. Pursuant to the Family Act there are two kinds of adoption: by relatives and by adoptive parents. As a rule, persons adopting children must be between 21 and 35, and if it is of particular interest to the child the adoptive persons may even be older, but the age difference between the adoptive persons and the adopted child may not exceed 40 years.

197. Intercountry adoption is also possible, but only exceptionally, if it is of particular benefit to the child. Particular benefit to the child exists if it is adopted by its stepfather, stepmother or a relative, in case of previous emotional attachment of the child to the adoptive persons, or if the child is eligible for adoption and there are no Croatian citizens interested in his or her adoption.

198. In 1999, there were 159 adoption cases in the Republic of Croatia, of which 127 by relatives and 32 by adoptive parents. These figures also include 7 intercountry adoptions.

199. In 2000, there were 171 adoptions, of which 128 by relatives and 43 by adoptive parents. These figures include 10 intercountry adoptions.

200. In 2001, there were 148 adoptions, of which 122 by relatives and 26 by adoptive parents. These figures include 4 adoptions by foreign nationals.

201. Adoption is considered the most adequate form of protection of children without appropriate parental care, and wherever legal requirements are met this form of childcare should be preferred to placement in foster family or children's home.

202. The procedure for adoption, from the selection of adoptive persons to deciding on the adoption, is in the exclusive jurisdiction of the State and is conducted free of charge. Adoption may only be effected if it is in the interest of the child. However, we cannot be quite satisfied with the work of the social welfare centres, because they do not do enough to increase the number of adoptions, with the result that so many children remain in children's homes for extended periods of time.

203. The number of potential adoptive persons, compared with the number of children eligible for adoption, is much greater - in 2001, for instance, social welfare centres received 3,876 adoption applications.

H. Periodic review of placement (art. 25)

204. Pursuant to the provisions of the Social Welfare Act and the Family Act, the social welfare centres staff are obliged to monitor the circumstances under which children live outside

their own family, including the monitoring of their physical and mental health and their needs. To this end, the staff of the social welfare centres are obliged to visit a child in placement at least once every six months. The social welfare institutions submit reports as necessary, or at least once a year, about all circumstances of significance to the rearing of the child. In the case of a child under guardianship, the guardian is obliged to submit a report on his or her work and on the condition of the child at least once every six months and when the social welfare centre so requests.

205. In accordance with the provisions of the Social Welfare Act, special rules on the type of home for children and adults and their activities, requirements regarding the premises, equipment and necessary professional and other employees of a social welfare home require high-quality standards for homes where children are placed. These rules reduced the number of children in educational groups, and made it mandatory to employ a social worker and a psychologist as part of the professional team at children's homes. When required, children's homes commission outside experts to raise the level of professional work at these home.

206. Experience showed that extended stay at an institution for children who leave when they become of age or complete their education causes them to be disoriented in the society because they have not been sufficiently prepared to live on their own. The problem is greater if children have no relatives who can offer them a place to stay, and if they cannot find a job. To remedy this situation, four housing communities have been established in the Republic of Croatia, consisting of four flats with four children living in each of them.

207. Three flats (two in Zagreb and one in Osijek) operate as branches of children's homes, and one housing community was established by a non-governmental organization.

208. As at 2001, there were 14 homes for children without proper parental care established by the Republic of Croatia, and in 2002, 3 children's homes of other founders were opened (one children's home established by SOS Kinderdorf Croatia, one by Caritas, and one established by the Spanish association Nuevo Futuro).

209. Within the framework of the national policy for the protection of the rights of the child activities are being intensified to educate the staff at children's homes so that they can, in cooperation with the competent social welfare centres, recognize individual cases in order to take appropriate measures for the protection of the child. Reducing the stay of children at an institution by creating conditions favourable to returning them to their biological parents as soon as possible, to having them adopted, or to placing them in a foster family is an objective we hope we can realize.

210. As at 31 December 2001, children's homes established by the Republic of Croatia accommodated 1,138 children. Of this number 1,083 children were permanently accommodated, while 55 beneficiaries were only accommodated during the day or were pregnant women/mothers with babies. Of the total number of permanently accommodated children, 575 were boys and 508 girls. Most accommodated children were between 7 and 14 years of age (414), of whom 179 girls and 235 boys.

211. In 2001, accommodation was terminated for 313 children for the following reasons:
- Coming of age/completion of education (61);
 - Return to their parents (144);
 - Placement with their relatives (8);
 - Adoption (61);
 - Placement in an institution for behavioural disorders (20);
 - Placement in an institution for children with difficulties in their mental and physical development (19).

212. According to information from the Ministry of Labour and Social Welfare as at 31 December 2001, foster families accommodated 2,365 children, of whom 1,481 without proper parental care, 241 children whose parents were temporarily incapable of taking care of them (placement up to three months), 553 physically or mentally disabled children, 40 children addicted to alcohol, drugs and other substances, 44 children with behavioural disorders, and 6 pregnant women. In recent years this type of accommodation of children has received increased attention, particularly with regard to the promotion of placement in foster families, closer scrutiny of the foster families and professional work with the families. Regrettably, recent analyses show that in about 20 per cent of foster families adults are over 60, and that 20 per cent of foster family adults are without education or with incomplete elementary school education. It is encouraging, however, that the number of families wishing to take care of children increases from year to year, which makes it possible to place children who require individual work. As at 31 December 2001, 68 per cent of the families accommodated one child only.

213. Substantial changes have taken place since 1996 with regard to the establishment of the so-called Autonomous Women's House. This issue is dealt with in greater detail in connection with articles 19 and 39 of the Convention where legislation and practice related to the establishment and operation of shelters for victims of domestic violence are presented.

214. The 1997 Social Welfare Act makes it also possible for religious communities, associations, companies, and other natural persons or legal entities, domestic or foreign, to found a children's home, under the conditions and in the manner prescribed by the Croatian Law on Associations, and the Social Welfare Act.

215. The Republic of Croatia has regulated the issue of provisional measures for urgent accommodation of children who are foreign nationals and who live in the Croatian territory without their parents or guardians. Such children are first placed in a home or foster family, then they are given health care and maintenance, and a guardian is appointed to protect their interests. In the meantime, the country whose national the child is is notified in order to arrange possible follow-up to the measures for the protection of the child, i.e. family reunification. In 2001, there were 89 foreign children in custody in Croatia.

I. Abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)

216. According to the Constitution and the Family Act of the Republic of Croatia parents are primarily responsible for and entitled to the protection of children. In all cases of irresponsible parental treatment of the child's interests, the competent authorities are authorized to intervene. This is always a sensitive matter, frequently raising issues about the limits to the proceeding in such cases, intrusion in family privacy, protection of privacy and inviolability of home, etc. It is widely accepted that in cases of reasonable doubt about the interest of the child being in jeopardy - be it for reasons of neglect, abuse or other - the competent social welfare centre or judicial bodies are to act ex officio or at the request of the other parent.

217. The Republic of Croatia specifically monitors cases of domestic violence, and since violent behaviour of one member of the family towards another may result in psychological abuse of the child, in December 2000 the legislator amended the Criminal Code by adding a new provision entitled "Violent behaviour within family". The provision reads: "The family member who, through violence, abuse or particularly impudent behaviour, puts another family member into a humiliating position shall be punished by a prison term ranging from three months to three years."

218. The new Family Act in force since 1 July 1999 provides: "Violent behaviour of either spouse or any other adult member of the family within that family is prohibited."

219. Article 362 of the same Act provides that "either spouse or any other adult member of the family who in contravention of article 118 of the Family Act acts violently shall be punished for misdemeanour by a prison term of 30 days". Among the gravest forms of socially unacceptable behaviour of citizens are domestic violence and violence against the child by others. The monitoring of the trends shows an increase in the number of reported cases of abuse of women and/or children. It is unclear whether this is due to the victims' awareness of the need to report such cases, or the increasing sensitization of the competent services and the general public to this complex issue.

220. The increasing number of cases of violent behaviour of family members made it necessary to punish such behaviour, regardless of whether violence was committed against an under-age or adult member of the family. Besides the protection provided by the family legislation, in such cases there are also misdemeanour and criminal sanctions against perpetrators. It also proved necessary to issue restraining orders because it is believed that in particular cases prohibiting the violent person from approaching the victim is the most effective and direct help that can be given to the victim.

221. According to the report by the Ministry of the Interior police intervention in domestic violence cases prior to 1 July 1999 was difficult because there were no clear legal provisions separating domestic violence from the family privacy and placing it within reach of intervention by the State. In this period, the legal basis for police action was provided when domestic violence qualified as a misdemeanour or criminal offence became punishable by law.

222. In spite of such normative ambiguities and shortcomings with regard to domestic violence, between 1 January 1995 and 31 December 2001 the police in the Republic of Croatia received a total of 55,092 requests or reports calling for protection against violence, and intervened in 54,675 cases, reporting 31,801 perpetrators of misdemeanours and 4,481 violent criminal offenders. There were 41,075 victims of domestic violence. In 10,578 cases the competent social welfare centre was instructed to take adequate measures for the protection of children under family legislation.

223. Substantial changes in suppressing domestic violence occurred with the police implementation of the provisions of article 118 of the Family Act, after its entry into force on 1 July 1999, and article 362. Enforcing these legal provisions on the basis of reports or protection requests received in the period between 1 July 1999 and 31 December 2002, the police discovered and reported 9,063 perpetrators of acts of domestic violence, including 12,928 victims.

224. With a view to improving the police work and ensuring uniform treatment of domestic violence cases the Ministry of the Interior issued the following instructions in November 1999 about how the police were to proceed in the implementation of the provision of article 118 of the Family Act, defining the limits and manner of police intervention in case of domestic violence:

- The police intervention begins with the receipt of the report or request for protection against any form of domestic violence from whomever and in whatever way;
- Sending police officers to the location, checking on the report or request for protection and taking measures and actions to help the victim for the purpose of providing medical assistance and preventing further violence;
- Collecting information and data necessary for resolving the case and providing evidence;
- Placing the perpetrator in police custody (if the legal requirements for this are met), requesting the institution of misdemeanour proceedings, in accordance with articles 118 and 362 of the Family Act, and bringing the perpetrator before the magistrate;
- In the request for instituting misdemeanour proceedings, depending on the circumstances, the applicant may also demand that adequate protection measures be ordered (e.g. taking away the weapon from the perpetrator);
- When the victim of domestic violence is a minor, or when a minor witnesses the perpetration of an act of violence, the criminal police officers specializing in juvenile delinquency are to intervene because of the suspicion that the act may constitute a criminal offence specified in article 213 of the Criminal Code;
- Preparing notification for the social welfare personnel to inform them about what has been done and established with a view to possible follow-up social interventions and measures from within their jurisdiction.

225. Between 1 January and 31 December 2001, 5,004 perpetrators of domestic violence were reported for misdemeanour in Croatia, of whom 559, or 11.7 per cent, were brought before a magistrate, while pursuant to article 35 of the Police Act, 863, or 16.7 per cent, were detained at police premises. Magistrates issued 828 enforceable decisions, and the police lodged 20 complaints against the decision of the magistrates. Violent behaviour within the family for which the perpetrator was reported to the magistrate included 7,195 victims (of this, 1,774, or 24.5 per cent, minors - 1,359 children, 415 persons under 18, and 5,205 adults) of whom 3,847, or 53.7 per cent, were women.

226. The amendments to the Criminal Code of the Republic of Croatia that entered into force on 1 January 2001 sanctioned a new criminal offence - violent behaviour within the family specified in article 215.a of the Criminal Code, which is to be prosecuted *ex officio*. In 2001, the first year of implementation, the police in Croatia discovered and reported 443 such criminal offences.

227. In order to resolve the issue of domestic violence fully and adequately, Croatia has recognized the need to draft and pass a special law on the protection of family against violence that will develop and ensure the implementation of a uniform procedure to include all aspects of the problem, consistently oriented and with clear objectives, to be followed by all government and private institutions.

228. All that was done indicated the need for shelters for victims of domestic violence. The Republic of Croatia does not own any shelters for the victims of domestic violence where mothers and children could be accommodated together. It has been decided that the Government should not open such shelters, but the legislation provides a possibility to natural persons and legal entities to establish public institutions for social care - homes for children and adults victims of domestic violence. Two such institutions exist in Croatia, one in Rijeka, established by Caritas of the Rijeka Archbishopric, and the other in Rovinj. Negotiations on the provision of such services are under way with associations in Osijek and Split. To date, social welfare centres have mostly cooperated with non-governmental organizations that set up shelters for the victims of domestic violence whose capacity is not nearly sufficient.

229. The issue of domestic violence requires multidisciplinary and inter-agency approach. To this end, government activities have been stepped up to achieve close inter-agency cooperation.

230. In cooperation with the Government of Croatia Commission for Gender Equality and the Council of Europe, the event "Together against violence against women" took place.

231. The preparation of the Protocol for inter-agency cooperation in the protection of children against abuse and neglect is under way and will be completed after the current reform of the criminal and family legislation. Government policy in this area aims at creating conditions for preventive action and permanent improvement of ways and methods of professional treatment of the victims of domestic violence, particularly children. To this end, the emphasis is placed on multidisciplinary team approach, encouraging continuous professional education of experts in this field. To date, the Ministry of Labour and Social Welfare organized several joint seminars for social welfare staff, police and members of the judiciary (note that each year there are joint seminars for police officers and social welfare staff).

232. Activities of NGOs at the local level are of special importance for the protection of children. Such activities are noted in Split (Mirta association) and Zadar (Family Counselling Centre, Caritas). Non-governmental local projects and preventive work include working directly with victims of violence (counselling centres, SOS hotlines, shelters for domestic violence victims, etc.).

233. Information on child abuse or neglect may be communicated to a social welfare centre by anyone (even anonymously). Primary care for the victim depends on each individual case. When there is information about abuse or gross neglect of a child, the social welfare centre shall ex officio take measures for the protection of the child under the family legislation. In order to prevent further abuse the child is, as a rule, separated from the abuser. If possible, the child is not separated from the parent who is not an abuser, so as to avoid additional victimization of the child. The parent who did not protect his or her child against harmful action of other persons, particularly family members, or who did nothing to protect the child, shall be deprived of the right to live together with his or her child and to raise it. Professional workers are continuously trained in child protection to enable them to provide adequate help.

234. To reinforce joint activities of all social actors involved with childcare, the already mentioned Protocol for inter-agency proceeding in matters of child protection against abuse is being prepared.

235. Abuse under Croatian criminal law means physical, emotional or sexual abuse of the child.

236. According to information furnished by the Ministry of the Interior, in 2001, 2,572 criminal offences against children and minors were discovered and reported, an increase of 26.6 per cent over 2000 when 2,031 such offences were discovered and reported. These figures also include 1,768 criminal offences against marriage, family and youth, which is 6.8 per cent less than in 2000 (1,898 offences). There were 341 sexual offences against children and minors, or 19.9 per cent less than in 2000 (426 offences).

237. Of the reported criminal offences against marriage, family and youth there were 1,224 cases of neglect and abuse of children or minors, followed by 408 cases of neglect of the duty to support a child, 66 cases of prevention and non-application of measures for the protection of minors, 26 cases of living out of wedlock with minors, 19 cases of abandoning children, 17 cases of abduction of minors, 5 cases of non-fulfilment of family duties, and 3 cases of changing marital status.

238. The reported sexual offences against children and minors included 106 cases of lewd activities, followed by 106 cases of gratification of lust in front of a child, 56 cases of sexual intercourse with a child, 23 cases of pornographic exploitation of children or minors, 17 cases of rape, 11 cases of procurement, 7 cases of sexual intercourse with a defenceless person, 7 cases of introducing pornography to children, and 4 cases of incest. Within this group of criminal offences the legislator specially emphasized the offences committed against children. This provides special protection of the physical integrity of children who because of their young age and low level of maturity are often incapable of grasping the intention of the perpetrator's action.

239. With regard to the physical and emotional abuse of children the Civil Code provides prison terms ranging from three months to three years for the parent, adoptive parent, guardian or other person who abuses a child, forces it to do work unsuited to its age or to engage in excessive work or begging, or who makes a child behave in a manner harmful to its development. If such activities result in bodily harm to the child or severe damage to its health, or if the child takes to begging, prostitution or other form of socially unacceptable behaviour or delinquency, the guilty person shall be punished by a prison term ranging from three months to five years.

240. A criminal offence is constituted by the infliction of any form of physical or psychological harm on the child and, in contrast to earlier provisions, even a single act of abuse or coercion constitutes an offence. As has been the practice of the courts, the right of parents or any other person to disciplinary and pedagogical punishment has been ruled out. In this way the provisions of article 213 of the Criminal Code are harmonized with those of article 19 of the Convention on the Rights of the Child.

VI. BASIC HEALTH CARE AND SOCIAL WELFARE

A. Disabled children (art. 23)

241. Recognizing the fact that a harmonious family environment is a basic precondition for raising children, and that any physical or mental disability of the child requires more effort and investment in this important task, the line ministries in the Republic of Croatia take specific measures to assist families with disabled children.

242. The Social Welfare Act, in force since 1 January 1998, defines the specific rights that such children may exercise on account of their disability (these rights were also provided in the Social Protection Act that preceded the Social Welfare Act). The new law also introduced the right to disability benefits for children with severe physical or mental disabilities. Considering the fact that physical or mental disability requires more effort in everyday life, incurring additional material costs, the purpose of this pecuniary benefit is to help such persons overcome the difficulties faced by their families.

243. The national programme for the improvement of the quality of life of disabled persons has been formulated. It deals to a large extent with the protection of disabled children. The programme includes proposed activities for the future with a view to promoting a better quality of life, developing awareness of the special needs and effective joint action by the Government and other bodies involved with disabled children.

244. The Decree on the Facilities in National Passenger Transportation that granted discounts to disabled children and persons escorting them when travelling by train or ship was incorporated into the National Transport Facilities Regulations.

245. In 1998, a law on the movement of blind people with the help of seeing-eye dogs was passed. This provided huge assistance to blind children being able to move about public facilities and institutions and means of public transportation with their seeing-eye dogs.

246. Social welfare institutions operating at the local level, as well as associations and other legal entities and natural persons offering social welfare services, are being promptly and fully informed of any changes that concern the amendment and implementation of specific regulations in order to facilitate the exercise of rights of disabled children.

247. Despite the trend to place as few disabled children as possible into institutions and focusing on other forms of childcare, in cases where children with physical or mental disability need to be separated from their families (due to objective circumstances and when this is best for their further development), and no adequate replacement for their family can be found, accommodation in a social welfare institution is unavoidable. In such cases, the accommodation policy prefers regional institutions where great attention is paid to the way of living that is very similar to a normal family life. Beside investments in raising the standard of living of the occupants and providing conditions for extending various services even outside the institution, since 1996 actions have been undertaken to accommodate children with physical or mental disability. Two new social welfare institutions have been established to care for physically or mentally disabled children, and the existing institutions, devastated during the war, have been rebuilt.

248. The capacity of existing institutions has been expanded to include day-care and professional field services for family assistance, significantly contributing to overcoming the difficulties in the everyday life of a family with a disabled child.

249. The building of two new institutions for mentally retarded persons will provide various services to disabled children and their parents (day care, leisure, training for independent life, psychological and social rehabilitation, field assistance to families, counselling for parents).

250. We believe that in these hard post-war times we have achieved some positive results in improving the standard of living of disabled children, which leads us to believe that with the economic recovery the standard of living of these children will grow even more.

Table 4

Children with special needs (as at 31 December 2001)

Treatment	Age				
	0-3	4-7	8-14	15-16	17-18
Field assistance	11	19	-	-	-
Integration	-	8	76	10	2
Half-day care	2	43	115	26	26
Day care	2	14	150	63	108
Temporary accommodation	-	1	-	-	-
Weekly accommodation	-	3	65	24	55
Permanent accommodation	4	48	436	299	278
Total	19	136	842	422	469

Source: Ministry of Labour and Social Welfare.

B. Health, health-care services and nutrition (art. 24)

251. The initial report included data related to this article of the Convention, so this report will only present the changes in the current reporting period. In October 2001, the new Health Insurance Act was passed, and entered into force on 1 January 2002.

252. In the Republic of Croatia every child (until the age of 18) has health insurance. Children are entitled to health insurance mostly as members of the family of the insured as pension beneficiaries after the deceased parent, on the basis of employment or performance of commercial or non-commercial activity, or on other basis. Children, as any other insured persons, are entitled to all forms of health care: primary health care, specialist health care and hospital health care with adequate medical rehabilitation. The scope of this right is determined by the Government for each calendar year.

253. In the Republic of Croatia, the insured participate in the coverage of some of the costs of health-care services, but children are exempt from this obligation.

254. Besides the general health-care measures the system of primary health care and the public health-care system also take a number of specific health-care measures aimed at pre-school children, schoolchildren and youth pursuant to special programmes (e.g. Mandatory Vaccination against Contagious Diseases, and Preventive Educational Measures in Schoolchildren and Youth Health Care). Within the primary health care there are also specific health-care measures for the protection of mothers. The Ministry of Health prepared the National Programme for the Prevention of Tooth Decay and Improvement of Oral Health of Children, followed by a pilot project for the prevention of tooth decay in kindergarten and pre-school children.

255. With a view to improving the structure and efficiency of the system the Ministry of Health proposed to the Government and Parliament a draft for the reform of the health-care system and formed special working groups to prepare a medium-term operative plan of development of the health-care system in the Republic of Croatia. Starting from the indicators and results of medical work in particular segments of the system, this plan is an attempt at restructuring and laying the foundation of a more efficient organization of the health-care system and securing the health insurance rights. The activities focus on preventive action, such as the promotion of a healthy way of life (nutrition, sport-movement, cigarette and alcohol and drug hazards, responsible sexual behaviour ...). To this end, special programmes are being prepared the implementation of which will include non-medical systems (education, media, etc.).

256. Every year, the Ministry of Health launches the Programme of Mandatory Vaccination against Contagious Diseases. It is prescribed by law that within this programme children are to be vaccinated against diphtheria, tetanus, whooping cough, polio, measles, mumps, rubeola and tuberculosis and, since 2001, hepatitis B. According to data on the vaccination of children the Republic of Croatia with more than 90 per cent of its children vaccinated is among the leading European countries. The reasons for non-vaccination or delayed vaccination of children lie primarily in the insufficient care of parents. In this context measures are being taken to protect children in implementation of family legislation (e.g. the social welfare centre issues a warning

to parents who fail to bring their children to medical centres for vaccination, and other measures specified by the law). The legislation on the protection of the population against contagious diseases through mandatory vaccination includes all children living on the territory of Croatia, irrespective of their health insurance status.

257. At the National Health Insurance Agency and its regional branches there are departments for the implementation of educational and preventive health-care measures (general medical examinations, vaccinations, health-care education, promotion of a healthy way of life) at primary and secondary schools, conducted by specialists in school medicine.

258. There are a series of activities related to the prevention of AIDS. For instance, the programme and didactic package for education about AIDS (*Youth tell Youth about AIDS*) was jointly prepared by the Children's Hospital in Zagreb and UNICEF and distributed to doctors and teachers. The Ministry of Health regularly prepares events on the occasion of the International Day against AIDS, and the National Programme for the Prevention of the Spread of AIDS is continually implemented by the AIDS Reference Centre of the Ministry of Health.

259. Preventive activities designed to eradicate contagious diseases are systematically conducted at all educational institutions. The reproductive health service of the Children's Hospital in Zagreb prepared, in collaboration with secondary school students (Youth for Youth Programme), a brochure entitled "AIDS - Do Not Die for Lack of Knowledge", as a result of fine cooperation between the Ministry of Education and Sport and the Ministry of Health within the framework of the primary health care, through school doctors, and within the public health-care system.

260. In school subjects like nature and society, biology, and chemistry, pupils acquire knowledge about the importance of nutrition for healthy growth and development of the whole organism. Genetically modified food is still not common on the Croatian markets, the purpose being to warn children to choose healthy food.

261. Croatia has natural drinking water, and it is necessary to do whatever it takes to protect nature in order to enable future generations to enjoy the ecologically preserved resources. Regrettably, public water supply is not available in all areas. Insufficient or inadequate utility infrastructure does not enable equal accessibility of drinking water to all, particularly on the outskirts of big cities, i.e. in underdeveloped counties. This situation calls for the construction and adjustment of adequate utility infrastructure, particularly in the context of the reconstruction of the infrastructure destroyed throughout Croatia in the war, which will be a great burden because Croatia has still not recovered from the devastation caused by war.

262. The Republic of Croatia does not have satisfactory regulations concerning abortion and, consequently, young girls.

263. *Andrija Štampar* popular education centre published the Croatian version of the "Facts of life" with a supplement on the protection of children from abuse and neglect. The purpose of this manual is to enlighten the general public on medical matters.

264. A large number of schools (about 130) conduct health-care programmes, joining the European network of schools that promote health.

265. In the promotion of breastfeeding (in cooperation with UNICEF) Croatia achieved internationally respectable results by the end of 1998: out of 32 maternity wards 15 were awarded the prestigious title of "Children-friendly Hospitals". With a view to improving the growth and development of the child and preserving the health of mothers "Happy Baby" boxes were given away in maternity wards. The contents of the box included the educational booklet "My First Year" containing expert practical advice to mothers about baby and childcare, with an emphasis on the importance of breastfeeding, for the purpose of promoting the growth and development of the child and the health of the mother. Final harmonization of the text with the International Manual on the manner of selling substitute for mother's milk is under way to bring it in line with the "Children-friendly Hospitals" project.

266. The following activities are being undertaken to promote breastfeeding:

- (a) Establishing breastfeeding support groups;
- (b) Publishing bulletins with legal provisions that facilitate the exercise of the right to breastfeeding;
- (c) Producing publications (e.g. "Pregnancy and Breastfeeding", "Breastfeeding Support Groups", "Breastfeeding and Its Promotion in Children-friendly Hospitals" (18-hour course for maternity ward staff).

267. In accordance with the activities envisaged in the National Action Plan for children, thus far the "Child's Health-care Book" has been introduced in 12 out of 21 countries with a view to closely following the growth and development of children and their health.

268. Drug addicts represent a population that is quite hidden and it is not easy to estimate their number.

C. Children in armed conflicts, including physical and mental recovery and social reintegration (art. 38, paras. 1 and 4, and art. 39)

269. During the war in the Republic of Croatia about one million children were exposed to the conflict, and the estimates are that the war affected the development of 400,000 children who were directly exposed to bombardment, who saw their parents and beloved ones die or get wounded, while 50,000 children were directly exposed to war.

270. During the war in the Republic of Croatia, 303 children were killed. The youngest victim was a four-month-old boy killed in an artillery attack on the Grabovac motel near Slunj where he was accommodated together with other displaced persons from the region of Lika. During the Independence War, 1,280 children were wounded, of whom 315 have remained permanently disabled (amputation, CNS damage, nerve lesion, eye wounds, etc.). Of the total number of children mentioned, 52 are permanently dependent on the care and assistance of others, being 80-100 per cent disabled. In the same period, 4,455 children lost a parent, while 131 children lost both parents, and 900 children still do not know the fate of their parents (one or both parents are missing). There is one more group of children, 63 in all, who lost all parental care when they

lost a parent. Those are children whose other parent died, is missing or unknown, or was deprived of the right to parental care through a decision of the competent social welfare centre. These figures relate to children who were victimized in the period from the beginning of the War of Independence to 30 June 1996. The figures were supplemented and updated in 1997 and 1998.

271. The Ministry for Independence War Veterans was established in December 1997. Within the Ministry there is a Childcare Department that does the administrative work concerning the legal status and other issues related to the children of Croatian defenders who were killed in action, died, were imprisoned or are missing, of the disabled war veterans, and of the demobilized war veterans, monitors their situation and legal status and undertakes other systematic and effective measures to improve their status and to enable them to exercise their legal rights. The Department keeps records of 36,559 children, of whom 3,896 are children of the fallen defenders, 260 are children of imprisoned/missing defenders, and 32,403 are children of disabled war veterans.

272. Although no systematic research was conducted into the numerous forms and effects of the wartime suffering of children, it is quite certain that of all the victims of the war children suffered the most severe and long-term physical, psychological and social consequences. The long-term consequences are of special importance: from post-traumatic stress disorder, somatic symptoms, depression, aggression, to the negative effects on the formation of the child's own identity, its outlook on life and moral values.

273. Falling within the competence of the Ministry for Independence War Veterans is also the implementation of the National Programme for Psychological and Social Assistance to Independence War Victims, adopted by the Government on 28 January 1999. The purpose of the programme was to organize continuing psychological and social assistance as a part of integral care for the victims throughout Croatia. Special attention was paid to child victims.

274. The National Programme is now implemented through county centres for psychological and social assistance whose treatment usually includes four categories of child victims of the war: child war victims, children of disabled war veterans, children of fallen Croatian defenders, and children of demobilized Croatian defenders. Within the regular programme of psychological and social assistance an anamnesis of each individual participant is made that gives an insight into the psychological and social problems caused by the war trauma and manifested through disorders for which children are treated. It is also important to see whether the process of grieving has been successfully completed, whether relations with the surroundings, i.e. the family, are disturbed, and to what extent is the understanding of the problem provided.

275. Childcare is provided through individual therapy, group work, children's playshops (art and music), hotline for psychological assistance to children, and through the work of field teams. The most common problems of child victims of the war noticed by field workers are: behavioural disorders, adaptation disorders, poor school performance, insecurity, aggression, bed-wetting, tics and fear.

276. From 12 to 14 November 1999 at Plitvice, the Ministry for Independence War Veterans organized a seminar on psychological and social assistance to the victims of the war, where it

was concluded that the work of the Centre for Psychological and Social Assistance should focus on family and children and, consequently, that a seminar on the problems of children and a programme of assistance to children was to be urgently organized.

277. Based on the Minister's decision, a Working Group of the Ministry for Independence War Veterans was set up to prepare and implement a strategy of scientific research. This Working Group prepared an action plan, a programme and methodology for the implementation of all research according to a long-term plan of priorities. Consequently, the Working Group concluded that in research conducted on subgroups of victims the priority should be given to the project of "Psychological and medical state of child victims of the war" to be implemented at the National Centre for Psychological Trauma established pursuant to the National Programme at the Dubrava Clinical Hospital in Zagreb. The purpose of the project is to establish the number and the problems of child victims of the war, and on the basis of such information plan activities to secure their normal development.

278. Over the past years, the Ministry of Labour and Social Welfare, in cooperation with and with financial assistance from UNICEF, has implemented several important projects with a view to helping children and youth in areas exposed to heavy destruction during the war. The following projects were carried out:

(a) Protection of children under the family law, a project aimed at enhancing the professional competence of the social welfare staff for the purpose of improving their work;

(b) Prevention and treatment of behavioural disorders in child victims of the war, including seminars in various regions of Croatia for the social welfare staff, rehabilitation institutions, schools and police, with a view to identifying specific forms and manifestations of behaviour of child victims of the war and devising new approaches to working with children and their families;

(c) Assistance to children and youth in the post-war period, with seminars focusing on training professionals to work with children with behavioural disorders;

(d) Setting up a psychological crisis team with a view to creating a network of professionals who can effectively respond to post-war psychological crises of children and youth that occur as a result of tragedies and unexpected losses;

(e) Strengthening children's families living in destitution, an educational project that focused on training professionals in systematic family therapy in cases of treatment of a large number of children and their parents who live in destitution;

(f) Planning care for the children from Knin, Benkovac, Obrovac and Drniš - areas of special government concern, where there is a need for additional protection of children.

D. Social security, assistance and facilities in childcare (arts. 26 and 18, paras. 2 and 3)

279. Pursuant to the Social Welfare Act it is the family that is primarily responsible for caring for its members. Every person is under an obligation to contribute with his or her work, income and property to the prevention, elimination or mitigation of his or her own destitution and the

destitution of his or her family members, particularly the children and other family members who cannot care for themselves. This Act foresees that the State should assist needy families to overcome crisis situations of destitution both in material and other (mediation, counselling, etc.) aspects.

280. The Labour Act, in force since 1 January 1996, provides in article 66 that one of the parents of a child with severe development disorders shall be entitled to childcare leave or to work half-time until the child turns 7. The compensation for the leave shall be paid by the social welfare. All this makes it obvious that the regulations of the Republic of Croatia are aimed at the protection of the right of the child to live with its parents even when they suffer deprivation, provided they are capable of caring for it, and, in such case, the State shall assist the parents through various forms of social welfare, e.g. subsistence benefits, fuel benefits, assistance in purchasing textbooks for the school, etc.

281. With regard to the Committee's concern regarding the Provisional Property Possession Act according to which property may be temporarily occupied by settlers while the owner is absent, because of the possibility that the families affected by this Act may have problems if they return before the current temporary occupants have found other accommodation, we should like to point out that the war in Croatia resulted in the destruction of 30 per cent of its economic facilities. In total, 590 places were destroyed, among which was Vukovar - a medium-sized city, razed to the ground. According to estimates, 174,000 housing units, 551 schools, 31 factories and 536 churches were devastated. Vital infrastructure suffered serious damage. From 1991 to 1995, the war in Croatia resulted in damage estimated at HRK 164.86 billion, or 20.61 billion euros (about 1.5 per cent of the current annual GDP), of which damage to homes accounts for HRK 21.1 billion, or 2.64 billion euros.

282. The Republic of Croatia has from the very beginning done everything in its power to accommodate displaced and refugee families until their homes are rebuilt and they could return. There are certain considerations that need to be taken into account when considering the matter referred to in the conclusions of the Committee, and the circumstances after the liberation of the areas of Croatia that were under occupation need to be mentioned. At that time (1995), much of the then abandoned property had to be preserved and legally protected. A part of the abandoned property was owned by the Serbs - Croatian citizens who left the territory of the Republic of Croatia. With a view to protecting such property the Law on Temporary Takeover and Management of Certain Property was passed.

283. The property was temporarily allocated for the use of displaced persons, refugees and returnees (inhabitants of the respective areas) whose property was destroyed or damaged in the war, irrespective of their ethnic origin. As a result of the insistence of the international community, and primarily with a view to complying with the provision of the Constitution of the Republic of Croatia relating to the protection of ownership rights, some provisions of the above-mentioned Law were repealed by the decision of the Constitutional Court of the Republic of Croatia of 26 September 1997. After the decision of the Constitutional Court to repeal articles 8, 9, paragraph 2, and 11, paragraph 2, of the Act, the House of Representatives of the Croatian Parliament on 10 July 1998 passed the Law on the Termination of the Law on Temporary Takeover and Management of Certain Property, as well as the Law on the Termination of the Law on Leasing Flats in Liberated Areas. These laws were published in the *Official Gazette* of the Republic of Croatia (*Narodne novine* No. 101 of 28 July 1998).

284. Under such circumstances the need for eviction of the provisionally accommodated families and their children became even more pressing. It is important to note that although the Republic of Croatia does everything in its power to complete the process of return without any conditions and in cooperation with the international community, the return of the Croat and Bosniak refugees to the neighbouring States (Federal Republic of Yugoslavia and Bosnia and Herzegovina) is progressing very slowly. Needless to say, most of them are children. The Republic of Croatia is aware of its duty to accommodate displaced and refugee families until their homes are rebuilt, i.e. until they return to their homes, as well as of the duty to enable the rightful owners to return to their occupied homes.

285. The issue of the accommodation of displaced persons, refugees and resettled persons is regulated through the 1998 Programme of Return and Accommodation of Displaced Persons, Refugees and Resettled Persons, the 1996 Law on the Areas of Special Government Concern, amended in 1996, 1997 and 2000, and the Decree on Accommodation Requirements and Criteria in Areas of Special Government Concern. According to these regulations, accommodation may be had through a lease of a family house or a State-owned flat, a grant of State-owned building land and basic building materials for the building of a family house, and through an allocation of building material for the reconstruction and rebuilding of a family house or a flat. Efforts are being made to direct the activities of government agencies towards caring for children from all families without distinction - those who want to use their own home, and those who use another family's home because they lost their own home in the war. It is, therefore, necessary to approach the return of such persons to their homes in a systematic manner, which means creating conditions for a family to return to a vacated home. Regrettably, it is not possible to implement the programme right away; it is a process that will take some time depending on the financial ability of the Republic of Croatia to remove the negative effects of the war.

E. Standard of living (art. 27, paras. 1-3)

286. With a per capita income of US\$ 4,500, the Republic of Croatia ranks second among the republics of the former Yugoslavia. The structure of the Croatian GDP is similar to that in Western European countries. Social indicators like infant mortality rate, literacy rate or life expectancy are similar to those in other European countries. The system of social transfers is one of the most extensive in the region.

287. War and transition recession have contributed to an extremely grave economic crisis. Between 1990 and 1993, GDP plummeted by nearly 30 per cent. In October 1993, the Government launched a stabilization programme that proved to be the most successful one throughout the region. In spite of this success Croatian GDP is currently only 78 per cent of the 1989 level. Industrial production showed even more negative trends, and by 1999 remained at 40 per cent of the 1989 level. Croatia has the largest public sector among all Central European countries which, unlike the situation in other countries, shows a tendency to grow. Excluding administrative expenses from the total social welfare expenditures, all levels of the State spent 26.4 per cent of GDP on social programmes (education, employment, unemployment benefits, social welfare, pensions and health care, war-related expenditures, including reconstruction) in 1999, or about 50 per cent of the total public spending.

288. In overall social transfers, pensions are the biggest item, and the amount of social transfers depends on the amount of pension benefits. Although Croatia spends a lot on social programmes, primarily on the health-care system and pensions (especially early retirement benefits), this does not do much for the poor. On the other hand, government social transfers are better directed, yet they represent a much smaller share in the general spending pattern. Croatia's social welfare focuses on the very poor, while most of the countries in transition focus on those below the poverty line.

VII. EDUCATION, LITERACY AND CULTURE

A. School education, including practical training and guidance, and educational goals (arts. 28 and 29)

289. The initial report presented the basic data concerning the implementation of these provisions of the Convention, so this report will - besides current statistical indicators as to the number and structure of schools and teachers (2001 Statistical Bulletin) - also give a brief account of the education of children in human rights, i.e. in the rights of the child.

290. During the school year 1999/2000, there were 2,147 primary schools with 18,180 classes and 26,921 teachers of whom 20,609 were women. In the same school year, there were 633 secondary schools with 6,960 classes and 192,769 pupils of whom 92,376 were girls. Secondary schools employed 19,057 teachers of whom 12,033 were women.

291. For children with development difficulties there were 76 schools with 493 classes and education groups. Of this number, 54 schools with 330 classes were primary schools, while 22 were secondary schools with 163 classes. The primary schools were attended by 2,358 pupils (881 girls), and the secondary schools by 1,517 pupils (615 girls).

292. With regard to specific education schools note that in Croatia in the school year 1999/2000 there were 68 primary music and ballet schools with 11,214 pupils (7,070 girls). These schools employed 1,169 teachers (762 women). Nevertheless, these capacities could not meet the demand of the children interested in such additional education.

293. In the Republic of Croatia there are State and private schools. In State schools education is provided free of charge, while in private schools it is provided against payment of a fee, so private schools are mostly attended by the pupils of well-to-do parents.

294. School curricula do not contain any obligation for the pupils to join humanitarian activities or environmental groups as a desirable influence on their development, not even as a form of disciplinary measures.

295. The Government of the Republic of Croatia is developing a policy of systematic approach to the exercise of human rights and democracy on the basis of the Constitution and the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic or National Communities and Minorities in the Republic of Croatia, as well as on the basis of all relevant

instruments and recommendations of the United Nations and the Council of Europe, in particular on the Recommendation concerning Education for International Understanding, Cooperation, Peace and Education relating to Human Rights and Fundamental Freedoms (Paris, 1974), and the Integrated Framework of Action on Education for Peace, Human Rights and Democracy.

296. In 1996, the National Committee for Human Rights Education was set up. The National Committee is an advisory body of the Government of the Republic of Croatia tasked with preparing the National Programme of Human Rights and Civil Responsibility Education and with encouraging and monitoring its implementation. To be able to perform this task the National Committee established numerous coordinating groups composed of top Croatian experts in human rights education, peace, democracy and civic responsibility.

297. These coordinating groups are concerned with pre-school education, junior classes of primary schools, senior classes of primary schools, secondary schools, civic education, university education, adult education, use of media, a task force for preparing a strategy and implementation of the National Programme throughout the country, and another task force for monitoring the implementation of the National Programme.

298. In 1997, a research project entitled "Peace and Human Rights Education for Croatian Primary Schools" was launched in cooperation between the United Nations Educational, Scientific and Cultural Organization and the Government of Croatia.

299. The National Programme for Human Rights and Peace Education was published in 1999 with the financial support of the Office of the High Commissioner for Human Rights in Zagreb. That same year, it was distributed to all educational facilities in Croatia, from pre-school institutions to secondary schools, four copies per institution (1,800 institutions).

300. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, the Ministry of Education and Sport printed a poster with the text of the Declaration for all educational facilities in Croatia. The poster was displayed visibly in schools and kindergartens so that children, their parents and teachers could get acquainted with its content.

301. Within the United Nations Educational, Scientific and Cultural Organization project "Education for Peace and Human Rights", a brochure entitled "Basic international documents in the field of human rights education" was translated into Croatian and published, and, together with the National Programme, sent to all educational facilities. Among these documents were also the Recommendation and Integrated Framework (see para. 293 above).

302. Within the Croatian Helsinki Watch a book by Th. Burgenthal entitled *International Human Rights* was translated and published, the aim being to promote the principles from the above-mentioned documents, Recommendation and Integrated Framework.

303. For the purpose of implementing the National Programme systematic training of teachers and teachers' trainers was organized. In 2000, a professional training course was organized by the Institute for the Advancement of School System, with the financial and expert assistance of the National Committee for Human Rights Education and the NGO Human Rights Education

Associates from the Netherlands, which included a three-day seminar attended by about 720 teachers and teachers' trainers, school principals and representatives of the local school boards. Besides these seminars various NGOs, in cooperation with the Ministry of Education and Sport, organized within their own projects training for teachers throughout the year, so that professional training in human rights education and democracy was attended by more than 1,000 teachers and teachers' trainers a year, in addition to regular and additional professional training.

304. The implementation of the National Programme in the educational facilities is progressing with the assistance of numerous international and national NGOs. This is reflected in the implementation of various projects in the field of human rights education and civic responsibility, peaceful settlement of conflicts, acquisition of democratic civil skills, cooperation and tolerance, and protection from landmines, among others.

305. It should be noted that there is not enough sport in the school curricula, because schools are poorly equipped with adequate facilities (swimming pools, tracks, halls, playgrounds, etc.).

B. Leisure activities of children (art. 31)

306. Every public library in the Republic of Croatia has a children's section, reading rooms and playrooms. The Ministry of Culture provides funds for the operation of libraries, restocking and protection of the libraries' stock, and, consequently, for the purchase of toys, furniture, children's books, etc. In the Republic of Croatia the number of school libraries (1,671 in 1989: 1,568 in primary and 203 in secondary schools) decreased after the war (1,023 libraries in 1995, of which 749 in primary schools, while the number of libraries in secondary schools increased to 273). According to the latest published statistics for 1998 the situation is improving, and in that year there were 944 libraries in primary schools and 317 in secondary schools.

307. Every year, the Ministry of Culture sends out applications for financing cultural activities in Croatia. Among others, art institutions, museums and galleries send in their applications and present their programmes.

308. The Ministry of Culture co-finances festivals and children's and youth events in the field of cultural and artistic child amateurism (music, dance, theatrical performance). From 1996 to 2001, the Ministry financially supported the participation of young Croatian artists in seven international festivals (Mexico City, Mostar, Egypt, Turin, Rome, Madrid and Zagreb).

309. Within the National Film Association there are 47 registered children's film and video clubs, as well as 31 clubs of secondary school youth and students and a number of individual film and video authors. As part of its international activities the Association regularly appears at the UNICA World Festival and organizes the presentation of the Croatian amateur cinema and video art abroad. The National Film Association organizes the *Review of Croatian Children's and Youth Film and Video Efforts* (the authors are secondary school pupils, and older). Every year, a traditional International Animated Film Workshop is held in Čakovec.

310. In order to promote the media culture curricula in schools the National Film Association prepared a Programme of Optional Teaching in Media Culture, and a programme of work of film and video clubs. In 1999, the Ministry of Culture allocated HRK 400,000 to co-financing the National Film Association.

311. In Croatia there are 11 children's theatres with 1,935 plays seen by an audience of 337,000 in 2000. In the same year, there were 17 registered amateur theatres with 546 plays seen by an audience of 90,000.

VIII. SPECIAL MEASURES FOR THE PROTECTION OF CHILDREN

312. The basic information with regard to the respective articles of the Convention was presented in the initial report, so this report will only dwell on the major changes in legislation and practice.

313. In various areas of public life the State has ensured protection of the basic human rights, particularly of children. There are, however, certain issues related to children that continue to give cause for concern in Croatia.

314. In spite of the measures taken to facilitate the transition Croatia is undergoing, the prevailing situation still greatly affects the population, particularly vulnerable groups, including children. The war brutally affected all people, in particular children, and caused great suffering, long-term physical, emotional and psychological effects, and disruption in the operation of some basic services.

315. Many children experienced the violation of their most fundamental right - the right to life, and there is still a large number of refugees and displaced persons in the country. The combination of the effects of war and the economic crisis has aggravated the situation of the most vulnerable group of children in Croatia. The social welfare system reports increased workload and insufficient funds to meet all the needs of the population in adversity. The policy and strategy of providing assistance to children who are in the care of the State are being revised, and society at large is encouraged to join in the process of development of extra-institutional care for children with specific needs. This calls for a careful assessment of all issues and a detailed discussion at all levels and with all relevant actors. Pilot projects need to be prepared to develop new services for children and additional training to all those involved with childcare in order to increase the efficiency of the services offered and prevent the exhaustion of the helpers.

316. Children were direct victims of violence in the war. About 1 million children in the Republic of Croatia were exposed to the war, and some 200,000 were directly exposed to its horrors: bombardment, death or injuries or torture of their parents or beloved ones. Of 1,500 missing persons 35 are children; about 4,455 children lost one parent and 131 children both parents. As at 1 January 2001, the Refugee, Returnee and Displaced Persons Administration recorded 53,079 displaced persons and refugees:

30,647 displaced persons, of whom 6,985 children;

22,432 refugees, of whom 3,879 children.

317. In the last three years, activities concerning the improvement of childcare have been conducted throughout Croatia. UNICEF helped train social welfare staff and teachers through the Ministry of Labour and Social Welfare and the Ministry of Education. The activities included employees of the social welfare institutions, kindergartens, primary schools, libraries and refugee centres.

318. Croatia also strove to meet its commitments undertaken at the World Summit for Social Development, held in Copenhagen, and the Fourth World Conference on Women, held in Beijing, of which many were related to the rights of the child. In late 1997, the Government adopted the National Policy for the Promotion of Gender Equality.

319. The National Action Plan for Children, aiming at better meeting children's needs in all spheres of life, the provision of adequate conditions for appropriate growth and development of children in extremely difficult situations, and enabling talented children to express and develop their capabilities was adopted by the Government on 1 October 1998.

320. It is important to note that in September 1999 the Programme "Integration of refugee and returnee children into Croatian society: creative socialization of groups" was carried out in the cities of Sinj, Hrvatska Kostajnica and Dvor under the sponsorship of the Council of Europe. To implement this programme the Government of the Republic of Croatia supported the proposal for setting up a Steering Committee of the competent government agencies and the Embassy of Local Democracy in Sisak.

A. Children in emergency situations

1. Refugee children (art. 22)

321. The basic information concerning the status of refugees and displaced persons and the legislation relating to them were presented in the initial report, so this report will only dwell on the current situation in Croatia.

322. Although the war ended in 1995, and the whole territory of the Republic of Croatia has now been liberated and the process of reconstruction and return of displaced persons has begun, currently there are still 30,647 displaced persons (6,985 children) and 22,432 refugees (3,879 children) in Croatia.

323. In Croatia there are currently about 140,000 citizens of Bosnia and Herzegovina (of whom only 22,000 with refugee status, while others lost that status on acquiring Croatian citizenship), about 30,000 refugees from the Federal Republic of Yugoslavia (of whom some had refugee status for a while, and others never applied for such status), and 1,600 refugees from Kosovo (in 1999, during the Kosovo crisis, there were 4,057 refugees, of whom about 1,000 returned in an organized manner and many more returned spontaneously).

324. As at 30 December 2000, there were 267,763 returnees to Croatia, of whom 39,051 children. Of this number, 77,846 returnees were Croatian citizens of Serb ethnic origin, while 189,917 returnees were former displaced persons who stayed in other, non-occupied parts of Croatia.

325. A significant number of displaced persons and refugees are yet to return to their homes. Their return is subject to the resolution of the reconstruction and repossession issues. For some of these accommodation needs to be provided pursuant to the Law on the Areas of Special Government Concern.

326. The care for displaced persons and refugees, besides accommodation, includes food, health care and education and a monthly allowance for meeting basic needs.

327. For some children the exile has lasted from the very beginning of the Serb aggression against Croatia and Bosnia and Herzegovina, and since that time Croatia has accommodated 600,000 refugees from Bosnia and Herzegovina alone.

328. Refugee children are frequently highly traumatized, and the way of life, often in difficult housing conditions and destitution, the feeling of insecurity and continual dissatisfaction of their families affect children most. To remedy this situation, after the war various activities were organized and implemented not only to relieve the material hardship but also as special measures and forms of protection for this group of children. Special mention should be made of the implementation of the Programme for Psychological and Social Assistance to the Victims of the War considering the fact that in 2000 there were as many as 15,208 children with mental disorders and 8,500 children with behavioural disorders.

329. Even at the local level (counties) counselling centres have been set up to provide psychological and social assistance, and field teams were deployed and a number of activities were organized with the support of various humanitarian organizations. All this helps parents raise children traumatized by the war, through multidisciplinary expert approach. Important assistance to these children is also made available through the work of associations.

330. In spite of the relief measures, the period of transition Croatia is undergoing gravely affects the population, particularly vulnerable groups, including children.

2. Children in armed conflicts (art. 38)

331. During the War of Independence, 303 children were killed in Croatia, of whom 74 by landmines. The youngest war victim was a four-month-old boy killed in an artillery attack on the Grabovac Motel near Slunj, where he was accommodated with other displaced persons from the Lika region.

332. With regard to the initial report submitted in 1996 and the section on conscription and the procedure of recruitment, legal provisions have been amended (2002 Defence Act) and no one is called to service before they have turned 18.

333. Occasionally, terminological misunderstandings arise concerning the English translation of the term "conscription". In Croatia conscription includes registration and complete medical examination to establish the health status of a future conscript, and this is conducted much before calling a conscript to service. Children may not be called to service.

334. Since 1 January 1996, additional measures have been undertaken to train the professional staff (psychologists) in offering psychological support to members of the armed forces who had various traumatic experiences during the war. The presence of a military psychologist in almost

every army unit makes it possible to provide psychological support for members of the armed forces, which improves the quality of family relations and, consequently, the position of children within the families of army recruits. Psychological support and prevention of the consequences of a traumatic experience are provided in accordance with a special programme for Psychological Prevention of Extraordinary Events (February 1995) amended through a Programme of Psychological Prevention of Addiction in the Armed Forces from October 1999. In November 1999, professional education of all psychologists in the armed forces of the Republic of Croatia was conducted with a view to training them on how to implement the Programme of Psychological Prevention of Addiction in the Armed Forces.

335. Pursuant to the recommendations of the Committee on the Rights of the Child on the initial report of Croatia (CRC/C/15/Add.52, para. 24), the education curricula of non-commissioned and commissioned officers of the armed forces of the Republic of Croatia now include topics relating to international law of war and the treatment of civilians in armed conflicts. Within this education the following issues are dealt with:

- (a) General principles and starting points of the Geneva and the Hague Conventions;
- (b) Basic prohibitions concerning the objective, weapons and tactics of the armed forces;
- (c) Proper treatment of prisoners of war and other prisoners and members of protected categories.

336. The European Conference on the Use of Children as Soldiers (Berlin, 18-20 October 1999) was also attended by two representatives of the Ministry of Defence of the Republic of Croatia, which constitutes another contribution to the monitoring of the implementation of the Convention on the Rights of the Child. One representative of the Ministry of Defence of the Republic of Croatia is a member of the National Committee for Human Rights Education of the Government of the Republic of Croatia.

B. Protection of children with socially unacceptable behaviour under family and penal law (arts. 40 and 37, paras. (a)-(d))

337. In 2001, there were 915 criminal offences committed by 633 criminally non-responsible children, an increase of 37.18 per cent in criminal offences and 47.21 per cent in the number of children who committed them, as compared with 2000 when 667 criminal offences were committed by 430 criminally non-responsible children.

338. In 2001, there were also 5,379 criminal offences committed by 3,485 criminally responsible minors, representing an increase of 21.53 per cent in criminal offences, 25.13 per cent in the number of minors who committed them, as compared with 2000 when 4,426 criminal offences committed by 2,785 criminally responsible minors were reported.

339. The crimes committed by children and minors in 2001 amounted to 6,294, or 23.58 per cent more than in 2000 when a total of 5,093 criminal offences committed by children and minors were recorded. The number of children and minors involved in these crimes

was 4,118, an increase of 28.09 per cent compared with 2000 when 3,215 children and minors were reported to have committed criminal offences. The crimes committed by children in Croatia accounted for 8.03 per cent of the total number of crimes recorded in 2001.

340. According to the new Criminal Code the application of penal legislation is excluded when it comes to a child who at the moment of committing a criminal offence was under 14. Accordingly, children up to 14 years of age cannot be prosecuted as criminal offenders.

341. In the case of asocially unacceptable behaviour of a child offender below the age of 14 the provisions of the Family Act for the protection of children are applicable. Criminal legislation in Croatia has separate substantive law and procedural provisions for child offenders and persons between 18 and 21 years of age.

342. As mentioned earlier on 1 January 1998 the new Juvenile Courts Act entered into force in Croatia. It contains provisions concerning under-age criminal offenders, the organization of courts for juveniles and the enforcement of criminal sanctions against minors. The Act was subsequently amended. The following recommendations of the United Nations and the Council of Europe were incorporated into the Act: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Minimum Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Convention on the Rights of the Child, the 1989 Social Response to Juvenile Delinquency of Persons Coming from Migrant Families and the 1992 European rules on community sanctions and measures.

343. The basic principles of the criminal proceedings against minors are as follows:

(a) Criminal proceedings against a minor shall be instituted for all criminal offences only when requested by the public prosecutor who at all stages of the criminal proceedings may drop the charges;

(b) In the case of minors, as a rule, the principle of criminal prosecution legality is applied, and in cases specified by the law the principle of opportunism as well. In applying the principle of opportunism protective measures under the family law have priority;

(c) A minor is summoned through his or her parents, i.e. legal guardian, if practicable considering the urgency of the proceedings or in case of the gravest criminal offences;

(d) When interrogating a minor and during other activities at which the minor is present due account should be taken of the level of psychological development and personal characteristics of the minor so that the criminal proceedings do not affect the development of his or her personality in general, and the options provided in amended article 119 of the Juvenile Courts should be used (for more details, see paragraph 11 above);

(e) The minor must have an attorney already at the first interrogation if the proceedings are related to a criminal offence for which a prison term of more than three years is foreseen, and in case of other criminal offences for which less severe punishment is provided

only if the judge estimates that the minor needs an attorney. The attorney shall be appointed, where possible, from among lawyers with pronounced affinity and required knowledge in the education and care for young persons;

(f) A minor may be sentenced to disciplinary measures only when during the preparatory stage of the proceedings it has been established that the minor did commit the criminal offence and after a comprehensive evaluation of his or her personality. The legislator prescribes the obligatory obtaining of social anamnesis and optional observation. An important subject during the proceedings is a social welfare representative;

(g) Juvenile courts are under an obligation to notify the social welfare centres when the facts established during the criminal proceedings indicate that measures should be taken for the protection of the rights and welfare of the minor;

(h) The main hearing should take place in closed session;

(i) A minor cannot be tried in absentia;

(j) The law stresses that prison sentences shall be applied only in exceptional circumstances;

(k) A minor shall have the right to appeal against any decision of the court;

(l) The Juvenile Courts Act contains several provisions affirming the principle of urgency in proceedings involving minors;

(m) In the Republic of Croatia there is no capital punishment.

344. The Juvenile Courts Act provides that cases of criminal offences committed by minors shall be handled by police officers who have been specially trained in combating juvenile crime (art. 66).

345. Likewise, the new Police Act in force since December 2000 provides that children shall be dealt with by police officers who are specially trained in suppressing juvenile delinquency.

346. Even before those two Acts were passed, the Ministry of the Interior, since 1 January 1996, set up departments/sections/groups of officers working on juvenile delinquency and criminal offences against children. These sections are being gradually staffed with officers with university education (lawyers, social pedagogues, psychologists, etc.) continuously educated through seminars. As part of their education, students at the junior and senior levels of the Police Academy are also being acquainted with the Convention on the Rights of the Child and other international instruments that stress the principles of protection of children, family and women, the prevention of racial discrimination, and mutual respect and understanding.

347. The police authority towards the child is exercised in the presence of his or her parent or guardian, unless this is impracticable due to special circumstances or urgency of the proceeding. The child is summoned by written summons through his or her parents or guardian (arts. 24 and 31).

348. Pursuant to the Juvenile Courts Act the proceedings involving minors are conducted by judges and lawyers specialized in youth matters who must have pronounced inclinations towards the education, needs and interests of the youth and be acquainted with the basics of criminology, social pedagogy and social welfare related to young persons (art. 37).

349. A new element in the Act is that courts and public prosecutors dealing with cases involving minors as criminal offenders have professional assistants at their disposal: social pedagogues and social workers. Under the Act, professional assistants should render professional assistance to public prosecutors and judges in juvenile cases (art. 42).

350. With regard to the new procedural provisions concerning juvenile criminal offenders, the most important are those relating to the extension of the application of the principle of purposefulness to minors in connection with the decision of the public prosecutor on criminal charges brought against juveniles (“diversion”).

351. The Juvenile Courts Act provides that in juvenile cases the public prosecutor may decide not to press criminal charges against a minor in spite of a justified suspicion that the minor committed a criminal offence, if the public prosecutor believes that it would not be purposeful to institute proceedings against a minor given the nature of the criminal offence and the circumstances under which it was committed, the previous life of the minor and his or her personal characteristics.

352. A particular novelty in the Act is the so-called conditional purposefulness (“purposefulness with consequence”) allowing the public prosecutor in juvenile cases to decide not to institute proceedings, depending on the readiness of the minor:

(a) Within his or her capabilities to make good or repair the damage caused by the criminal offence committed;

(b) To join the work of humanitarian organizations, or the community or environmental work;

(c) To join individual or group work at the counselling centre for youth.

353. The new Juvenile Courts Act added to the list of sanctions new individual educational measures - special obligations (so-called ambulant, i.e. alternative sanctions): that the minor shall apologize to the affected party; that the minor shall regularly attend school; that the minor shall not miss work; that the minor shall be trained in jobs adequate to his/her abilities and inclinations; that the minor shall accept a job and maintain it; that the minor shall join the work of humanitarian organizations, or community or environmental work; that the minor shall refrain from frequenting particular places or engaging in certain activities or to stay away from the company of particular persons that have bad influence on him or her; that the minor shall - with the approval of the minor’s legal guardian - undergo professional medical treatment or the procedure for putting him/her off drugs or other addiction; that the minor shall join individual or group work at a youth counselling centre; that the minor shall not leave - without special permission of a social welfare centre - the place of residence for a long period of time, or that the minor shall be sent to an authorized authority for a test in traffic rules.

354. With regard to the above-mentioned sanctions the Ministry of Labour and Social Welfare of the Republic of Croatia published, in cooperation with the UNICEF Office for Croatia, a list of institutions in the Republic of Croatia where these special obligations are to be exercised.

355. Under the Juvenile Courts Act (art. 73) a child may be placed in custody only in extreme situations, depending on the gravity of the offence and the expected sanction, and the custody shall be imposed for the shortest period, if its purpose cannot be achieved through any alternative measures (caution measures or temporary placement of the child in a social welfare institution).

356. With regard to the juvenile prison term punishment the legislator introduced in the Juvenile Courts Act the phrase “withheld juvenile prison term sentence”, to enable a court to decide, that although the minor is guilty of a criminal offence, the juvenile prison term sentence be withheld when the court believes that just bringing the “guilty” verdict and the threat of subsequent sentencing may put the offender off further criminal offences. The court may decide that the minor be subsequently sentenced to a juvenile prison term if during the period set by the court - which cannot be shorter than one year or longer than three years (probation) - the minor should commit another criminal offence or if he/she opposes the implementation of educational measures (art. 27).

357. Pursuant to article 136 of the Juvenile Courts Act the Minister of Justice issued a decision on setting up a commission for monitoring and improving the work of the bodies conducting criminal proceedings and enforcing juvenile sanctions. The Commission monitors juvenile crime trends, cooperates with competent associations, and prepares and proposes to the Ministry of Justice programmes for periodical professional seminars, tests and other forms of additional professional training of judges, public prosecutors and other professional staff involved in the juvenile delinquency matters. The Commission also follows legal regulations and provides expertise and proposals to the Minister of Justice with a view to amending laws and implementing regulations. In 2000, the Commission held two seminars for juvenile court judges and public prosecutors and analysed the duration of the criminal proceedings involving minors, that is the duration of criminal proceedings for violent offences committed against children. The analysis was prepared with a view to improving work and was forwarded to the public prosecutor and to the courts authorized by the Juvenile Courts Act to deal with cases involving minors. The Commission also proposed several amendments to various legal provisions in the interest of the child.

358. The purpose of imposing sanctions against minors is to promote their education, develop their personality and reinforce their personal responsibility through the provision of protection, care, assistance and supervision, as well as general and professional education. Over the current reporting period, the proceedings against minors were suspended in 80 per cent of the cases by virtue of the implementation of the principle of opportunism.

359. According to the Juvenile Courts Act, passed in 1997 and amended in 1998 and 2002, sanctions against the minors (persons between 14 and 18 years of age) decided by the court should include educational measures, prison term, and security measures (art. 4). The Act mentions the word “education” in several places, and the term itself indicates the purpose of the sanctions. The legislator thus prescribes that the purpose of educational measures and the

juvenile prison term is to influence the education of the minor through development of his/her whole personality and strengthening of his/her personal responsibility by providing him/her with protection, care, assistance and supervision and general and professional education. This means that sanctions against juveniles, beside being specifically educative, are generally intended to prevent crimes.

360. The Act provides three types of educational measures:

(a) Measures of warning, direction, or other appropriate measures: court reprimand, special obligations, and sending off to an educational centre;

(b) Measures of increased supervision: increased care and supervision, and increased care and supervision plus daily attendance of an educational institution;

(c) Institutional educational measures: sending off the juvenile offender to an educational institution or to a special education institution.

361. In a departure from the earlier practice the legislator prescribed that the institutional measures should only be applied as the ultimate means (*ultima ratio*), which means that in selecting the sanction non-institutional measures should have priority. The principle of subsidiarity is more strongly emphasized in the implementation of educational measures, according to which no educational measure of intensive treatment, i.e. separation from the milieu in which the minor lives, shall be pronounced, if educational purpose can be achieved without it or with less intensive educational measures.

362. Special obligations occupy a very special position among the juvenile criminal sanctions. In order not to stigmatize the minor and not to impose on him/her institutional measures, an alternative had to be found: "compensation, public service, subjection to increased care and social training". According to the Juvenile Courts Act, 13 separate obligations may be imposed on a minor: that a minor shall apologize to the affected party; that the minor shall regularly attend school; that the minor shall not miss work; that the minor shall be trained in jobs adequate to his/her abilities and inclinations; that the minor shall accept a job and maintain it; that the minor shall join the work of humanitarian organizations or community or environmental work; that the minor shall refrain from frequenting particular places or engaging in certain activities or to stay away from the company of particular persons that have bad influence on the minor; that the minor shall - with the approval of the minor's legal guardian - undergo professional medical treatment or the procedure for putting him/her off drugs or other addictions; that the minor shall join individual or group work at a youth counselling centre; that the minor shall not leave - without special permission of a social welfare centre - the place of residence for a long period of time, or that the minor shall be sent to a recognized authority for a test in traffic rules.

363. Particular importance is attached to the provision that in selecting obligations the court shall take into account the willingness of the minor to cooperate in their fulfilment and that the obligations be appropriate for the minor and the circumstances in which he/she lives (art. 9, para. 3).

364. Among the sanctions the juvenile prison term punishment is the only real punitive measure and, as such, the last resort of the juvenile penal law. The legislator defined the juvenile prison term punishment as the ultimate measure of deprivation of freedom with special conditions as to the sentencing, duration, purpose and content of this sanction. The court may pass this sentence against an older minor (person between 16 and 18 years of age) for a criminal offence for which the Act prescribes a prison term of five years or more, if, considering the characteristics and grave nature of the offence, as well as the extent of the share in the guilt, such punishment needs to be meted out.

365. The sentence passed may not entail a prison term shorter than six months or longer than five years. Only in case of a criminal offence for which long-term prison sentence is prescribed or in case of concurrence of at least two criminal offences for which a prison term longer than 10 years is provided, may a minor be sentenced to a maximum of 10 years in prison.

366. According to the statistics of the National Public Prosecutor's Office table 5 below gives a breakdown of criminal sanctions passed against minors in the Republic of Croatia between 1998 and 2001.

Table 5
Juvenile sanctions, 1998-2001

Sanction	1998		1999		2000		2001	
Non-institutional	473	85.5	604	85.3	715	85.8	719	82.5
Institutional	63	11.3	85	12.0	98	11.7	118	13.5
Juvenile prison term	9	1.6	9	1.3	10	1.2	10	1.1
Withheld juvenile prison term	8	1.4	10	1.4	10	1.2	24	2.7
Total	553	100	708	100	833	100	871	100

367. It is evident from these figures that in the current reporting period the courts in most cases (82.5-85.8 per cent) imposed non-institutional educational measures, followed by institutional educational measures (11.7-12.0 per cent), while in only 10 cases the courts passed juvenile prison term sentences. Withheld juvenile prison term sentence was passed on 24 minors at the most.

368. With regard to the security measures as penal sanctions, together with educational measures or juvenile prison term, the security measures of compulsory psychological treatment, compulsory treatment of addiction, expulsion of an alien from the country and seizure of items, and the security measure of prohibition to drive motor vehicles may be applied.

369. Juvenile prison punishment has been retained as a special type of sentence that may be passed on a minor who is 16 and older for the gravest criminal offences, from a minimum of 6 months to a maximum of 10 years. The main purpose of the juvenile prison term is to make

the minor capable of living out free in accordance with social conventions. The law provides for some of the basic rights of convicted minors while serving their prison terms: professional education, work, enabling and encouraging minor's contacts with the outside world, sport activities, and providing conditions for meeting religious needs. These rights actually make up the basis for the treatment of minors serving their prison term. The importance of professional training of the staff involved with juveniles is affirmed by the provision which stipulates that professional staff must have sufficient knowledge in pedagogy and psychology. The law establishes the principle of separate serving of prison terms for minors and adults and the joint system of serving juvenile prison term. It also differentiates between convicted persons of different sex and age. According to this principle juvenile convicts may only exceptionally remain in a penal institution for minors until they turn 23, but in no way may they be kept there after they are 27.

370. The county court responsible for juvenile matters is authorized to decide on the request for court protection in whose area the juvenile prison sentence is being served. The jurisdiction of the county court responsible for juvenile matters to decide on the release on parole at the request of the minor, members of his or her family, the warden of the correctional facility or the public prosecutor has been introduced (formerly, it was a commission). The decision to release a minor on parole should be taken two months before two thirds of the term have been served, and is based on the opinion of the public prosecutor and, if need be, on the result of interrogation of the minor. The Juvenile Courts Act prescribes general provisions on the enforcement of security measures whose detailed elaboration is expected with the specific implementation regulations.

371. With regard to the juvenile prison term sentence the legislator enriched both the court and the enforcement practice by introducing a completely new legal provision "withheld juvenile prison term sentence" that is similar in its effect to a suspended sentence. Pursuant to this provision a minor is put through a period of probation, no less than one year and no more than three years, under the condition that he/she fulfils special obligations or submits to increased supervision. The intention is to achieve the purpose of the sanction through the very passage of the verdict and threat to pass the prison sentence subsequently, i.e. without institutionalization and social isolation of the minor, if possible.

372. During the current reporting period the House Rules relating to prisons serving the custody purposes came into effect, with specifically listed and extended rights of minors placed in custody by decision of a juvenile court. According to the Juvenile Courts Act, minors in custody must be allowed to work and, if possible, receive training for their education and profession. The same regulation makes it possible for a minor in custody to maintain contact without hindrance with a representative of a social welfare centre, extends the duration of visits, and provides that minors should be kept separately from all persons who, given their criminal or personal characteristics, could negatively influence and affect his/her psychological or physical development. When a minor who is not dangerous or not suspected of having committed a grave criminal offence is temporarily taken out of prison he shall be escorted by a prison officer in plain clothes. In case of pregnancy and birth, females held in custody, minors included, shall be provided with special health care in accordance with the general provisions. The supervision of the treatment of minors in custody shall be conducted by a juvenile judge who on his inspections shall receive oral and written complaints and take the measures necessary to eliminate the irregularities noted.

373. Within the framework of the overall reform of the criminal legislation of the Republic of Croatia the enforcement of penal sanctions has also been subjected to thorough reform improvements with a view to standardizing such provisions in line with modern European penal law. In this context, juvenile penal law enforcement is different from adult penal law enforcement and must be included in a separate law. This law is being prepared and is expected to be approved by the time the third periodic report of Croatia is submitted. The enforcement of juvenile penal sanctions under the Juvenile Courts Act is intended to bring about a normative improvement of the enforcement practice.

374. In 2001, 2,470 minors committed misdemeanours by disturbing public order and peace, which is 1.16 per cent less than in 2000 when 2,499 minors were charged with such acts. The biggest increase (44.44 per cent) in the number of reported minors was recorded under the heading of "belittling or insulting police officers" for which 130 minors were reported in 2001, and in the year before that, 90 minors were reported. The offence of "fighting" recorded a slight increase (3.01 per cent) with 991 minors reported in 2001 (962 in 2000). The number of offenders committing "insolent behaviour" went down by 17.9 per cent (362 in 2001 and 441 in 2000), and that of offenders charged with "unauthorized firing of guns, rockets, explosives and combustible materials" by 17.86 per cent (23 in 2001 and 28 in 2000). Note that the share of minors in the total number of reported offences against public order and peace was 5.93 per cent, an increase of 1.15 per cent compared with 2000 (4.78 per cent).

375. On 18 December 1997, the Government of the Republic of Croatia issued a decision on setting up a commission for the prevention of behavioural disorders of children and youth and the protection of children with behavioural disorders. The Commission has 12 members (representatives of various ministries and faculties) who carry out their activities in several working groups. The Commission reports to the Government of the Republic of Croatia at least once a year.

376. Pursuant to the provisions of article 136 of the Juvenile Courts Act the Minister of Justice has, since 25 January 1999, set up a commission for monitoring and improving the work of bodies conducting criminal proceedings and enforcing juvenile sanctions. Members of the Commission are representatives of courts, public prosecutors and faculties. The Commission functions as a professional and autonomous adviser to the Minister of Justice. Its tasks are to provide opinions and proposals relating to normative acts that are of importance for the implementation of the Juvenile Courts Act; to systematically monitor the situation, movement and structure of juvenile crimes in Croatia; to consider decisions handed down by juvenile courts and public prosecutors in proceedings involving minors and young adults; and to provide education to judges, public prosecutors and professional staff in the implementation of the Juvenile Courts Act and protection of children and youth as regards criminal law, juvenile delinquency, criminal offences against children and minors and enforcement of juvenile penal sanctions.

C. Children in situations of abuse, including physical and psychological recovery and social reintegration (arts. 32-36 and 39)

377. The Criminal Code, under the chapter on criminal offences against marriage, family and youth, provides a number of material provisions to protect children by designating the following as criminal offences: violation of the maintenance duty, taking away a child or minor, change of

family status, abandoning a child, neglect and abuse of a child or minor, living out of wedlock with an under-age person, and non-implementation of measures for the protection of a child or minor. Other criminal offences against children and minors are also sanctioned: sexual intercourse with a child through abuse of position of authority, procurement, sexual intercourse, exploitation of children or minors for pornographic purposes, and introduction of pornography to children and incest. It is also necessary to mention the criminal offences of the establishment of slavery and the transport of slaves, international prostitution and abuse of narcotic drugs.

378. It is particularly important to note that compared with the previous report, the Criminal Code now contains a provision explicitly prohibiting the introduction of pornography to a child (by selling, giving, showing, publicly exhibiting, or making available in any other way printouts, photographs, audio-visual or other pornographic items).

379. The Juvenile Courts Act explicitly obliges juvenile court judges and examining magistrates to treat the affected child or minor with special care during the proceedings in order to avoid any possible negative effects on the education and development of young persons.

380. Cases of protection of children under criminal law involve adequately specialized judges, public prosecutors and other professional staff (special education professionals, social workers, etc.) who ensure expedient proceedings and optimal protection of children in both criminal proceedings and subsequent systematic treatment by the social welfare service.

381. New provisions of the Criminal Procedure Act prescribe exemption from the duty to testify of a minor who due to his or her age and level of mental development is not capable of comprehending the meaning of the right not to testify, and if a child under 14 is to give testimony, the hearing must not be public, which is in line with the Convention on the Rights of the Child.

1. Economic exploitation of children, including child labour

382. The initial report contains basic information on the provisions of the Constitution and labour legislation concerning the protection of children from abuse.

383. The Criminal Code under the heading "Setting up slavery and transport of slaves" prescribes that the person who, in violation of the rules of international law, buys, sells, hands over to another person or mediates in the purchase, sale or handing over of a child for adoption, organ transplantation, exploitation of child labour or other illegal purposes shall be punished with at least five years in prison. Apparently, the wording of the provision includes all modes of commission of a criminal offence related to slavery and related practices such as forced and compulsory child labour.

384. The 1995 Labour Act prescribes that a person under 15 may not be employed. Exceptionally, with the prior approval of the labour inspector, such person may, against payment, participate in the shooting of films, preparing and presenting art events, stage plays or other events in the manner, to the extent and on assignments that do not compromise such young person's health, chastity, education and development. A written approval of such work shall be

issued by a labour inspector on the basis of a request submitted by the legal guardian. According to information provided by the National Inspectorate there have been no such requests in the last three years, although it is obvious that children of the specified age participated in such events, particularly abroad, as models.

2. Drug abuse (art. 33)

385. The Republic of Croatia is a signatory to the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971, and the Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

386. With regard to the child as a victim of the criminal offence of abuse of narcotic drugs the Criminal Code provides more severe punishment for a person who induces a child to use narcotic drugs, provides narcotic drugs to the child, provides premises to a child where it can consume narcotic drugs, or enables it in any other way to consume narcotic drugs.

387. With regard to article 3 of the 1988 Convention, however, the Criminal Code of the Republic of Croatia does not provide for a more severe punishment when a child is used in trafficking narcotic drugs, which by all means requires amendment to the Criminal Code. This fact is, however, taken into account as aggravating circumstance for the choice of sanction in proceedings against an adult.

388. In deciding whether to press criminal charges against children public prosecutors frequently apply the principle of opportunism (“diversion”), which means that if the child and his/her parents agree to the procedure to put the child off drugs at an addiction prevention and treatment centre and the child meets this obligation, the public prosecutor for juvenile matters will finally decide not to prosecute the child. The purpose of such proceeding is “help instead of criminal prosecution”.

389. Owing to the war, economic transition and deteriorating economic and social conditions that have a direct bearing on the increase in the unemployment rate and on the deteriorating standard of living, drug abuse in Croatia rapidly expanded in the 1990s (about 10,000 registered addicts, of whom 4,500 on heroin, and about 35,000 occasional consumers, with about 50 deaths per year). There has been a marked increase in the number of addicts, particularly in the cities of Split, Zagreb, Pula and Zadar.

390. According to all indications in Croatia and abroad drug consumers are a very heterogeneous group varying in age, with a substantial share of young persons. For this reason combating addiction requires a multidisciplinary approach that should focus on eliminating the cause of addiction. Sporadic actions and selective solutions have not yielded any significant results. For this reason the Government of the Republic of Croatia adopted an integral programme entitled “National Strategy for the Prevention of Drug Abuse in the Republic of Croatia” within which interdisciplinary work will include schools, the police, the judiciary, health care and social welfare. The role of these actors, including that of social welfare, is also defined in the Law on the Prevention of Abuse of Narcotic Drugs, which entered into force on 5 December 2001.

391. The role of social welfare centres is to conduct primary, secondary and tertiary prevention (working with families and children that need protective measures, establishing contacts and intervening when groups of youth display risk behaviour, encouraging addicts to change their behaviour, and rehabilitation and social reintegration of addicts). Beside the involvement of social welfare centres in all preventive activities and the education of specialized staff for the implementation of the programme for detecting drug addicts, a network of institutions for the rehabilitation of addicts is being created in Croatia.

392. As mentioned earlier in the present report under the Catering Industry Act it is illegal for the staff of the catering establishments to serve alcoholic drinks to a child. To enforce the provisions of this Act the police intensified its activities and inspections, particularly after 16 February 1998, of all catering establishments that sell alcoholic drinks.

393. Likewise, it is illegal to sell tobacco products to children under 18. According to the existing legislation this prohibition must be visibly displayed at each point of sale of tobacco products. This is true of shops, stands and other points of sale where tobacco products can be bought, but the prohibition is not absolutely implemented. In this regard sanitary inspectors should undertake more frequent inspections, which currently is not always the case.

3. Sexual exploitation and abuse of children (art. 34)

394. In the Republic of Croatia a female/male child over 14 engaging in prostitution is not guilty of criminal offence but rather of misdemeanour against public order and peace under the Misdemeanour Act of 1990. The child may be warned or reprimanded for the misdemeanour, or fined if he or she is over 16, and only exceptionally sentenced to 15 days in prison.

395. Child prostitution as a criminal offence is dealt with in two provisions of the Criminal Code. The first which includes "Criminal offences against the values protected by international law" under the heading "International prostitution" specifically protects the child as an object of the criminal offence and threatens more severe prison term punishment. The other provision dealing with prostitution is article 195 of the Criminal Code which deals with criminal offences against the sexual freedom and chastity. This provision specifies more severe punishment for a person who committed a criminal offence against a child.

396. With regard to child pornography the legislator significantly extended, in the new Criminal Code, the modes of commission of this criminal offence against children, with the respective provision reading: "Anyone who takes pictures of a child in order to produce photographs, audio-visual material or other pornographic items, or possesses or imports or sells or distributes or shows such materials or induces such persons to participate in a pornographic show shall be punished by a prison term from one to five years." The same provision specifies that items intended or used for the commission of the criminal offence shall be seized and destroyed.

397. According to the court practice pornographic materials include writings, recordings, photographs, publications and other products recorded with modern means (film, print, video, and modern electronic computer facilities) related to sex and intended for inducing lust.

D. Children belonging to a minority (art. 30)

398. In its initial report Croatia presented the basic information concerning the implementation of article 30 of the Convention. The same information will not, therefore, be reproduced in the present report.

399. The Constitution of the Republic of Croatia and the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia are the legal basis for the development of education for children belonging to minorities, taking into account their specific cultural, linguistic and religious characteristics. In May 2002, the Law on the Use of Languages and Scripts of Ethnic Minorities in the Republic of Croatia was passed, as was the Law on Education in the Languages and Scripts of Ethnic Minorities, which marked the beginning of reforming the system of protection of minority rights.

400. Pre-school education and school teaching in the mother tongue is organized for the Italian, Czech, Hungarian, Serb ethnic community or minority (religious education is also provided), as well as for the national Austrian and German community or minority. The teaching of mother tongue, history and culture in primary school is organized for the Slovak national community or minority. For the Ruthenian and the Ukrainian ethnic community or minority school teaching in the mother tongue is organized, and for the Jewish community or minority pre-school education and religious teaching are given within the Jewish Centre. For the sake of illustration, in the school year 1999/2000 there were 9 primary schools with Czech as a teaching language, 25 classes and 384 pupils; 9 primary schools with Hungarian as a teaching language, 25 classes and 293 pupils, plus 3 secondary schools. There were also 17 primary schools with Italian as a teaching language, 123 classes and 2,141 pupils, and 4 secondary schools. There were 37 primary schools with Serbian as a teaching language, 191 classes and 3,581 pupils, and 8 secondary schools with 82 classes and 1,612 pupils. There were 2 primary schools with Slovak as a teaching language, 2 classes and 17 pupils.

401. Three years ago the Office for Ethnic Minorities launched a special programme for the inclusion of the Romany children in the regular school system in the Republic of Croatia. The measures focused on both pre-school education of children and creating conditions for regular school attendance. Within this programme one Romany settlement was supplied with running water and electricity, and the urbanization of several such settlements was assisted from the national and respective local county budgets in equal proportions. Beside this, the building of a kindergarten was co-financed. From 2000 on, the programme was continued by financing the works in Romany settlements in four counties, and funds were allocated for the works in the Romany settlement in the City of Zagreb.

402. The Office for Ethnic Minorities financed several seminars for the training of the Romany as field assistants with social welfare centres. Two seminars were financed by the Ministry of Education and Sport for training staff in primary schools. For the works in one Romany settlement in the Varaždin county, where 250 children live, HRK 300,000 were allocated, and the Ministry of Labour and Social Welfare purchased a mobile home container for opening a kindergarten or pre-school facility for the Romany children.

403. The Office for Ethnic Minorities, together with the competent government agencies and representatives of 17 Romany associations registered at the national level, started drawing up the National Programme for the Romany that will produce an integral system of measures for solving the problems of the Romany population, particularly children. The Programme will include works in the Romany settlements, employment, education of Romany children (inclusion in the regular school system, education in their mother tongue, scholarships, learning about traditional Romany culture and traditions), health care and education. The implementation of the Programme requires amendments to the existing legislation. In this regard, the Republic of Croatia will pay special attention to reconciling the need to effectively protect Romany children under criminal and family legislation with the need to preserve the specific Romany culture and tradition.

404. The Ministry of Labour and Social Welfare oversees implementation of the Programme of Training of Romany mediators to assist Romany parents. The programme will be implemented within the framework of the programme for the inclusion of Romany children in the educational system of the Republic of Croatia. This Programme has been in place since 1998 and is intended to educate the Romany to be able to assist Romany parents in improving the quality of life of their children.

405. Of the major local events focusing on Romany issues mention should be made of the panel discussion organized by the Office for Labour, Health Care and Social Welfare of the City of Zagreb in January 2001 on the subject of assistance in solving the problems of the Romany in the City of Zagreb. Particular attention was devoted to the problems of Romany housing (illegal construction of housing without adequate utility infrastructure, with contagion hazard, inadequate child health care, piling up garbage in settlements), neglect and abuse of children (failure to send them to school, exploiting them as beggars, prostitutes, involving them in trafficking in drugs and people), and their inadequate social status (existing social welfare measures do not suffice, insufficient communication with society at large, conflicts among the Romany, etc.).

406. In 1997, the Government of the Republic of Croatia adopted the integral and comprehensive National Policy for the Promotion of Gender Equality. The legal basis for the implementation of the policy of equality in the Republic of Croatia is provided in article 14 of the Constitution which guarantees every citizen all rights and freedoms, among other things, irrespective of gender. Paragraph 2 of the same article provides that "all are equal before the law".

IX. CLOSING REMARKS

407. Since the submission of the initial report, there has been significant progress in the Republic of Croatia in legislative and practical terms regarding the implementation of the Convention on the Rights of the Child. Regrettably, due to lack of funds not everything could be done at once as we would have wished. It is beyond doubt that new expertise and a series of treaties, particularly the Convention on the Rights of the Child, contributed to the change in the position of the child under family legislation, defined as a system of the child's rights. The system of the child's rights, besides the change in the relations between parents and the child,

implies new legal concepts as well (e.g. parental responsibility) and new legal standards (interest-welfare of the child). In this respect, a significant contribution came from the social actors responsible for the protection of children (experts in the rights of the child, social welfare centres, courts, registrars, police, etc.).

408. The change in the view of the child was also facilitated by the media with their very professional broadcast programmes for children, parents and others. Everyday television clips with very clear messages inform children, parents and others about the rights of the child provided in the Convention.

409. The activities in the Republic of Croatia for the improvement of the protection of the rights and interests of the child were greatly supported by NGOs, and UNICEF played a particularly important role.
