



REPUBLIC OF CROATIA
OMBUDSMAN FOR CHILDREN

Summary
REPORT ABOUT THE WORK
OF THE
OMBUDSMAN FOR CHILDREN
FOR 2007

Zagreb, March 2008



The Ombudsman for Children

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INTRODUCTION

The annual report of the Ombudsperson for Children provides an overview of the work of the Ombudsperson's Office and contains information about the extent to which children's rights have been respected or threatened. In 2007, in view of the need to extend our activities to a regional level and on the basis of a recommendation by the United Nations Committee on the Rights of the Child, we opened offices in Split, Osijek and Rijeka, which not only improved accessibility of our offices to citizens but also made it easier for advisers working in the detached offices in these regions to do their work more efficiently.

In 2007, the Office worked on 1,737 new cases, 847 of which were about individual violations of children's rights and 890 were general initiatives. Along with 847 new cases involving individual violations, we also continued to work on 347 individual cases carried over from the previous period, which means that a total of 1,194 individual cases were being dealt with. The number of individual complaints was 63% higher than in 2006, which was, no doubt, the result of our presence in the regions and the increased visibility of our Office in general.

Since the beginning of its work in 2003, the Office has received and handled 2,199 individual cases, 1,495 of which were filed away before 31 December 2007.

MONITORING INDIVIDUAL VIOLATIONS OF CHILDREN'S RIGHTS

Of 847 individual, newly received complaints, the majority, i.e. 557 complaints (65%), again related to violations of children's personal rights.

PERSONAL RIGHTS

A total of 243 cases were carried over from the preceding reporting periods, which means that 800 complaints relating to violations of children's personal rights were proceeded upon. It is important to emphasise that, within this group of rights, two sub-groups again stood out and these are: the right to live with parents and to enjoy parental care (236 complaints or 28%) and the right to protection from violence (235 complaints or 28%). Twenty-six complaints (3%) were categorised under the heading "Other" because they could not be categorised in any of the previously mentioned groups due to their different structure or the lack of jurisdiction of the Ombudsperson for Children.

Of the remaining 86 complaints alleging violations of personal rights, the largest group consisted of violations of the child's right to privacy (39) and the right to know one's origin (11).

The fact that citizens turned to our Office in the aforesaid cases shows, on the one hand, that the public is insufficiently informed about the jurisdiction of the bodies they should approach, whilst, on the other hand, it is an indicator of a certain degree of distrust in the institutions supposed to help citizens in such situations. In all these cases, the Office sought advisory assistance and urgent intervention from the competent centres of social welfare, so as to ensure that the children were protected and offered appropriate assistance.

THE RIGHT TO LIVE WITH PARENTS AND TO ENJOY PARENTAL CARE

When it comes to the right to live with one's parents and to enjoy parental care, the Office proceeded upon 335 cases. Of this number, 236 cases were opened in the course of 2007 and they concerned the protection of the rights and well-being of 354 children. Ninety-nine cases were carried over from the previous reporting periods.

Under the amendments to the Family Act, the decision about parental care is within the exclusive jurisdiction of courts. The Office cannot influence the work of the courts, but citizens have continued to approach us with their complaints in this regard. They most frequently complain of the long duration of judicial proceedings and the failure to adopt interim measures. In this reporting period the most frequent complaints were also those relating to the insufficient involvement of centres of social welfare in the process of establishing the best interests of the child, their failure to take an active part in the judicial proceedings and their refusal to offer expert assistance regarding the realisation of the child's contact with the non-resident parent. According to the complaints received, the centres of social welfare state that the exclusive jurisdiction of the courts prevents them from resolving the disputed situations, so they refer parents to courts, without even trying to help in resolving these situations through professional, advisory work and the family-law protection measures that do fall within their jurisdiction. The Office gave recommendations to centres of social welfare on how to handle specific situations, whilst respecting their autonomy enshrined in the General Administrative Procedure Act. Most of these recommendations were accepted, but the number of those that were ignored is not insignificant.

On the basis of the information collected and taking past experiences into account, we believe that it is necessary to recruit sufficient numbers of expert staff in centres of social welfare, to organise their on-going education, to introduce obligatory supervision, to ensure expert support and external evaluation by the relevant supervisors, to develop a network of experts who are motivated and educated for this type of work and who would receive increased remuneration for their involvement. It is especially important to establish better links and co-operation between all the institutions involved in the protection of children.

Citizens also complain of inefficient enforcement of final court decisions. As we have pointed out in our previous reports, the problem of enforcing the **right to maintenance** in situations when parents do not live together is still very present. Parents are faced with the same problems: the lack of instructions and advice from centres of social welfare, the length of judicial proceedings, inefficient enforcement, the lack of sensitivity from judges, unstandardised case law when it comes to determining maintenance sums, and the insufficient involvement of centres of social welfare. The assistance these citizens received in 2006 from our Office in conjunction with the Croatian Bar Association, in the form of free legal aid for attorneys' services in maintenance proceedings regardless of the family income, was perceived by them as a major step forward. The Government accepted the proposal sent by our Office in 2006 that the planned amendments to the Family Act should provide for the introduction of a special enforcement procedure for maintenance cases where maintenance claims would have absolute priority over other claims against the maintenance debtor, so we hope that such legal arrangements will make it easier to realise this right in practice.

When it comes to the **rights of children placed in foster families**, it was noticed that, notwithstanding the fact that this type of placement should be of a temporary nature and that

the social services should use their expertise to ensure the child's return to his or her family of origin or provide some other permanent form of care for the child, too little or even nothing is being done in this regard, so the child often remains in the foster family until the completion of his or her education or when he or she becomes independent. Also, some centres of social welfare do not fulfil their obligation to monitor the protection of children's rights in foster families. It is necessary to promote a specialised form of foster care for children with developmental difficulties, as the specific needs of these children can only be catered for by specially educated, competent and motivated foster parents.

RIGHT TO PROTECTION FROM VIOLENCE

During 2007 the Office received a total of 235 complaints relating to violence against children. Since 127 cases were carried over from the preceding reporting periods, during this reporting period 362 were actively proceeded on. Of the cases concerning violence against children, 127 related to violence within the family, 53 to violence in educational institutions and 12 to violence in children's homes. 856 children were exposed to violence and most cases related to physical or psychological acts of violence against children.

Violence within the family

There were 127 complaints about violence within the family and child neglect, involving 220 children. 58 cases were carried over from the preceding reporting periods into 2007, so that during the year a total of 185 cases were dealt with. In connection with this problem, it is particularly important to secure psycho-social treatment for the offender in cases of violence within the family, but as far as the Office is aware, this was offered last year in only three institutions, which is in no way sufficient to meet the needs. According to the statements of experts in this field, along with the difficulties of financing such treatment and the lack of a network of institutions for carrying it out, a great problem is posed by the fact that there are long waiting periods before prescribed treatment can be carried out. We would like to point out that the costs of carrying out treatment are three or four times less than the costs of an offender serving a prison sentence, and the effectiveness of treatment in controlling future violent behaviour is between 60% and 80% among the total number of offenders who undergo treatment.

In connection with the widespread occurrence of violence within the family, we are particularly concerned that corporal punishment is still accepted as a disciplinary method, even by experts, although it is prohibited in Croatia. Since corporal punishment is one of the most common forms of violation of children's rights within the family, we shall deal with it in more detail in a separate chapter of this report.

Violence in educational institutions

There were 53 complaints about violence in educational institutions, involving 363 children, most of them in primary schools (88.6%). The number was 26.1% higher than in 2006. Of the total number of cases, 33 complaints related to peer violence, 16 to violent behaviour on the part of adults (teachers and other school staff) against children, and in two cases children committed acts of violence against adults. Unfortunately, parents are insufficiently informed

of the means of protecting children in cases of violence, of the procedures which representatives of the schools involved are obliged to follow, and of the possible procedures and kinds of assistance which centres of social welfare and the police may implement in order to help all those involved in acts of violence. More and more schools are observing the Protocol for Handling Cases of Violence among Children and Young People, but unfortunately, in some cases, problems are hushed up or the Protocol is observed in a technical, incomplete manner. The Ministry of Science, Education and Sports should instruct schools to distribute the text of the Protocol to parents at the beginning of the school year, during regular parents' evenings, and to explain the steps which parents, children and experts will take together, should acts of violence occur among children.

This year, unfortunately, the Office also undertook procedures in response to reports of particularly serious, complex and long-term cases of violence among children, in which the activities of the competent bodies, although in accordance with the Protocol, proved unsuccessful. In these cases the Office of the Ombudsperson for Children adopted the role of moderator and attempted to mediate between parents, representatives of schools and centres of social welfare, in order to arrive at the best means of resolving problems and safeguarding children's welfare. We recommend that the competent authorities prioritise the problem of violence among children, especially in particularly serious cases, and that they provide support for teams of experts in schools and centres of social welfare. We recommend that experts be recruited and a multidisciplinary approach to working with children and all participants in violence be adopted, in order to safeguard the right of all children to education under equal conditions, in a non-violent environment.

There were 16 complaints about violent behaviour against children on the part of teachers, head teachers and other school staff, involving physical or psychological violence and sexual harassment. Most cases involved inappropriate behaviour on the part of teachers towards pupils, thus violating their right to human dignity, their right to their own opinions and their right to education. Our opinion is that head teachers, who are leaders of school communities in educational and expert terms and are responsible for the work of the school and the exercising of pupils' rights, need to shoulder this responsibility, and in accordance with the Labour Act and the Primary and Secondary Education Act, carry out procedures promptly upon receiving reports of violent behaviour on the part of staff. We also recommend that the Ministry of Science, Education and Sports standardises working conditions for staff in primary and secondary schools when proposing a new Primary Education Act (with all the particularities and instruments of protection), and develops a model for examining the state of health of those working in schools. We also wish to recommend once again the need to introduce external evaluation and monitoring of work in education and the competence of educational personnel, the prescription of a licence to work with children and the adoption of a Code of Conduct for teachers and other staff.

Violence within institutions

Of the complaints received, 12 referred to violence within institutions, and an equal number were carried over from the previous reporting periods into 2007. Of the total number of cases received in 2007, one related to a secondary school student hostel, four to children's homes for children without parental care and four to institutions for children with disabilities. Child institutions deal more and more frequently with children and young people with various complex, social, emotional and educational difficulties and behavioural problems, which means there is more demand for extra training for expert staff, and a greater need for

psychiatric and sociological services for children. The staff of institutions claim that children with extreme or multiple problems are being placed in homes, particularly homes for children with behavioural problems, but that existing institutions are inadequate for their needs, since they do not employ child psychiatrists who can carry out ongoing treatment. In addition, staff are not offered supplementary training nor is their work continuously monitored, which often leads to "burn-out", which obviously affects the standard of their work with children. There is also a lack of support from the competent bodies and often a lack of co-operation with centres of social welfare.

Other forms of violence

Of 43 complaints received during 2007 which related to other forms of violence, 33 referred to violent acts committed against children by persons in their immediate environment, while five were cases of peer violence and five of violent behaviour on the part of children towards adults or property. In these cases, 183 children were involved in acts of violence. These cases are an indication of the problems parents have in trying to protect their children from exposure to violence, and the problems relating to the conduct and approach of the competent bodies, as they often belittle these forms of violence or are helpless to act in resolving such situations. Even the mildest expression of violence against children should not be tolerated, and each case must be dealt with and punished appropriately, so that the general public will get the message that tolerating violence is unacceptable. For this reason it is necessary to adopt a special law which would envisage the sanctioning of all forms of violence against children, in separate misdemeanour proceedings, regardless of the scene of the offence or the offender.

We would also like to highlight the problem of violence among adolescents, and the need to include among the circle of persons to whom the current Act on Protection from Violence within the Family relates persons who engage in emotional or sexual relations with whom they do not necessarily live. Apart from amendments to legal regulations, systematic education of young people is needed, along with preventive programmes and programmes for empowering the victims of violence.

THE RIGHTS OF CHILDREN AS MEMBERS OF THE SOCIAL COMMUNITY

Altogether 13 cases related to the rights of children as members of the social community in the widest sense, such as seeking support for projects and activities including children, the participation of the Ombudsperson in the sessions of the Velika Gorica Town Council for Children and Youth, a complaint against the exploitation of children in political campaigns, the right of children to express their opinion in their parents' divorce proceedings, including the right of children to meet and spend time with the parent with whom they do not live.

Bearing in mind the role and obligation of the Ombudsperson to promote children's rights, during the last year co-operation with children was intensified through many meetings and initiatives, with the aim of presenting the Convention on the Rights of the Child, empowering children and encouraging their participation in society by expressing their attitudes and opinion. In an effort to make the Convention on the Rights of the Child accessible to as many children as possible and to inform them of the scope of work of the Ombudsperson, in September 2007 we began an intense programme of co-operation with magazines aimed at primary school children (*Modra Lasta, Prvi izbor, Radost and Smib*). We also contacted and

co-operated with school magazines written and edited by pupils. In order to be more accessible to children, apart from our current e-mail address (info@djete.hr), which is mostly used by adults, we introduced a special e-mail address for children (mojglas@djete.hr), which we advertised in the children's publications mentioned above. We also began activities for setting up a children's advisory network within the Office of the Ombudsperson for Children.

EDUCATIONAL RIGHTS

The Office received 105 individual complaints about violations of the right of children to education, which was 87.5% more than in 2006. Complaints related to conditions in nursery schools and schools (lack of adequate space, poor access, safety conditions, shift work), to staffing situations (inadequate number of trained teachers, particularly in vocational schools, the state of health of those directly working with children, inappropriate behaviour of adults, frequent changes of teaching staff), and to the need for suitable education for children with developmental difficulties, particularly the importance of early recognition of such difficulties. Some complaints referred to the problem of arranging the transport of pupils to and from school, and there was an increase in the number of complaints about inappropriate behaviour on the part of adults towards children, whether in connection with giving grades, teaching methods, too heavy workloads, heavy schoolbags or the handing out of disciplinary measures.

Complaints about inadequate space in schools confirm the need to adopt educational standards and define the basis for financing education and the quality of educational facilities, such as school buildings and equipment.

In last year's report we delivered recommendations on the need to adopt a new Ordinance on grading, to which we received a reply from the Ministry of Science, Education and Sports. They said that such an Ordinance will not be adopted, but rather a new Primary Education Act will be passed. We recommend to the Ministry that they should actively involve children or the Pupils' Council in the procedure of proposing legal provisions, as announced in the National Action Plan for the Rights and Interests of Children 2006-2012. We consider that the topic of assessing and grading pupils should be approached more intensely, by offering teachers professional training and paying particular attention to informing young, probationary teachers about this problem. We hope that the Ministry of Science, Education and Sports will invest extra effort in advising schools on how to lessen the workload on pupils, how to organise timetables, implement correlation between subjects and explore the possibilities of keeping textbooks and equipment in schools.

Some parents' and children's questions referred to the introduction of the State Matriculation, national exams and the adoption of the Ordinance on Matriculation for vocational schools. The issue was raised of the appropriateness of taking the State Matriculation, if school leavers would still be required to sit entrance examinations for particular university departments. The Office therefore recommends intensified action on aligning attitudes concerning entrance examinations and the State Matriculation as their possible replacement, and action on providing better information for pupils, teachers and parents.

HEALTH CARE RIGHTS

The Office received 22 complaints about violations of children's health care rights, which was 1.9% of the total number of complaints. In 2006 10 complaints were received. The following problems and needs have been identified on the basis of complaints received and the implementation of programmes for children and media reports: the need to improve conditions for child protection in Croatia maternity units, the responsibility of the doctor in cases of physical injury during childbirth, irregularities and oversights in the work of doctors, the importance of promoting breastfeeding, the possibility of getting the necessary medicines for low-income parents, insufficient information on patient rights, health hazards for children exposed to too much noise, feeding problems, the lack of regulations concerning conditions for blood transfusions, children's health insurance, ignoring doctors' recommendations to provide a suitable environment for a child's full recovery, and the lack of facilities for mothers to stay with children undergoing medical treatment in health establishments. We would also like to highlight the problem of inadequate numbers of medical staff in the health service, which makes better organisation of children's health care impossible, particularly at the level of primary health care. We are particularly concerned about the lack of child psychiatrists, paediatricians and child psychologists within the health service, and the low ratio of paediatricians to the child population. The problem of inadequate numbers of specialists has been present for years, and requires the urgent adoption of measures and procedures by the competent institutions.

We are also concerned about violent behaviour on the part of children and young people caused by the influence of alcohol, and have sent a recommendation to the State Inspectorate concerning more efficient procedures in monitoring the implementation of the Catering Act and the Trade Act, with the emphasis on selling and serving alcoholic beverages to minors in catering establishments.

Following reports in the daily press on the questionable quality of school equipment, toys, children's furniture and other items of general use intended for children, which are present on the market, we have asked for a report from the Ministry of Health and Social Welfare on the method of taking decisions regarding the testing and selection of toys, school equipment, children's furniture and other items of general use intended for children, and on the means by which the protection of children from exposure to potentially hazardous objects is regulated, in terms of the materials, productions methods, and purpose of such objects.

The Ombudsperson's Office has been informed of weaknesses in implementing the Plan and Programme of Measures for Health Care on the basis of Compulsory Health Insurance, in connection with screening children for hearing impairment. We are particularly concerned about the maternity unit in Split, in which more than 4,200 births take place every year, with no procedures for the early identification of possible hearing impairment.

The Office supports preventive activities aimed at children and young people, with the goal of preventing the spread of sexual infections and sexually transmitted diseases, and other activities which are planned with the goal of safeguarding and improving children's health. We expect these activities to be planned carefully, to take into account the latest scientific discoveries, and to be supported and affirmed by experts and the relevant institutions, and for the public to be informed of the opinions of health experts. We would particularly like to emphasise the importance of informing and educating children and young people of both sexes on the prevention of sexually transmitted diseases, and educating and preparing them for responsible sexual behaviour. We would like to take this opportunity of pointing out the

need to introduce systematic health education for children and young people, through health education programmes in primary and secondary schools.

SOCIAL AND ECONOMIC RIGHTS

In the area of **social rights**, the Office has dealt with 26 complaints involving 38 children, relating to violations of rights to receiving personal disability benefit, allowance for assistance and care, the right to leave from work in order to care for a child, the right to work one half of the full-time working schedule until the child's seventh birthday and the right to child benefit. Unfortunately, families facing poverty tend to see the Ombudsperson's Office as a place of last resort and expect us to be able to help them.

In the area of protecting **economic rights**, we received 56 complaints, which is six times more than in 2006. Of these, 34 related to the right to protection from economic exploitation and involvement in dangerous work, 18 to safeguarding the right to an adequate standard of living, and four to other rights. In the area of protection from economic exploitation and involvement in dangerous work, 11 complaints referred to protecting children's property, 20 to protection from economic exploitation, two to protecting children while carrying out vocational work-placements, and one to a case of begging concerning a woman and a child. In all these cases the Ministry of Health and Social Welfare was asked to investigate the legality of the procedures followed by centres of social welfare.

The greatest number of complaints which referred to the right to an adequate standard of living were in connection with the forced eviction of families, and in these cases the Office requested the competent authorities to resolve housing issues, and it also contacted centres of social welfare in connection with the legal provision on the right to assistance for paying housing costs under certain conditions. Living in inadequate or hazardous conditions was also a topic on which the Office took action.

CULTURAL RIGHTS

The Office worked on 11 individual cases relating to safeguarding the cultural rights of children and on several cases relating to large groups of children. Complaints referred to the content of television programmes, sport and the treatment of children in sports clubs, the right to play and the safety of children's playgrounds, computer games and children's creativity.

It is necessary to involve families, schools and local communities and seek the support of state administrative bodies in widening the range and improving the quality of leisure activities, and in helping children exercise their cultural rights. Activities intended for children should be age-appropriate and include both children and adults in planning and evaluation, appreciate children's resourcefulness, be verified by experts, be flexible, and set high standards with clear aims. It is the opinion of this Office that every activity in which children are involved should be examined in terms of its benefits to the child and whether or not it includes questionable elements and whether or not it may harm the child in any way. Children, in particular, are often exposed to activities inappropriate to their age, and practice so far has shown that self-regulation is not effective. It is therefore particularly important to pass the Audiovisual Activities Act and to set up the Republic of Croatia's Audiovisual Centre.

RIGHTS TO JUDICIAL PROTECTION

Children's rights to judicial protection determine the specific legal position of children when they are victims, or commit a crime or misdemeanour, or participate in court proceedings, and in 2007 the Office received 30 individual complaints about violations of such rights.

Parents' complaints referred to the length of court proceedings, additional trauma for children already affected by a crime, or to the lack of information on the course of criminal proceedings initiated after reporting a crime committed against a child. We think it is necessary in practice to make better use of the possibilities prescribed in the Juvenile Courts Act concerning questioning juveniles in their own homes, which would protect the child from the trauma of attending court.

In order to protect child victims, a comprehensive protection and support service should be guaranteed, i.e. a so-called victims' service, which would include contacting parents and children, providing sound information on the course of court proceedings and on expected situations, and preparing the victim for the further course of court proceedings. The integral protection of victims must be guaranteed, both during criminal proceedings and after the offender has served a prison sentence.

The range of security measures prescribed in the Criminal Code should be widened to include pronouncing other measures, such as a restraining order, a harassment or stalking ban and a ban on frequenting certain places, in order to give the victim a certain feeling of security. We also think it important, in terms of offering children who are crime victims proper protection, that a high-quality probation and post-prison system be formed. As far as child witnesses in administrative, civil or misdemeanour proceedings are concerned, we think it should be obligatory to limit opportunities for questioning children, and that this should be done with the assistance of psychologists, educationalists or other experts.

The state of affairs in penal institutions is worrying, since they do not have the capacity to accommodate juvenile offenders separately from adults, nor do they have suitable means of accommodating juveniles with special problems. A large problem in the area of the enforcement of sanctions imposed on juveniles is the lack of a single legal act which would fully and systematically deal with all the problems connected with the enforcement of correctional measures, as well as juvenile detention. Therefore this legal act, which has been being drafted for years, must be adopted, in order to improve the enforcement of juvenile sanctions, which is an important part of judicial protection of children's rights.

OTHER RIGHTS

Of 26 complaints about individual violations of children's rights received in 2007, seven referred to the right of children to be adopted, four to the right to be placed in foster families, one to the right to be protected against discrimination and the right to protection in war, while 13 complaints could not be placed in any of the above categories. This was because those submitting the complaints had resorted to the Office for various reasons, but in some cases had not given their own personal details or those of the child involved, nor the context of the problem. Thus it was impossible to proceed in these cases.

PROPOSALS FOR TAKING MEASURES TO BUILD AN INTEGRATED SYSTEM FOR SAFEGUARDING AND PROMOTING THE RIGHTS AND INTERESTS OF CHILDREN

RIGHTS OF CHILDREN WITH DIFFICULTIES

Of the 847 complaints about individual violations of children's rights received by the Office of the Ombudsperson for Children during 2007, 85 (10%) related to violations of rights of children with disabilities. Complaints about violations of educational and social rights are the most frequent. The many examples described in the report indicate the need to improve urgently communications within the system, particularly co-operation between the Ministry of Health and Social Welfare and the Ministry of Science, Education and Sports, along with improved co-operation on the part of the state administration and local communities. Informing parents of their opportunities, rights and obligations is still a weak, inefficient segment of the social welfare system. Projects financed by various institutions (e.g. psychological help for parents provided by associations) provide information and help for parents and children, but there is no systematically set up, efficient, solid network of support for children with special needs and their families.

We believe that the implementation of the National Action Plan for the Rights and Interests of Children 2006-2012, according to the timetable envisaged, will significantly improve the lot of children with developmental needs. We hope that the adoption of new educational standards, which is expected soon, if sufficient means are provided for their implementation, will bring about crucial changes in the education of all children, particularly children with disabilities. In this sense, all the concluding recommendations stated in the standards for primary education should not only be debated, but defined by law as soon as possible. At this point it is particularly important to mention the need to introduce mobile teams of teachers and assistants, as envisaged by the standards and also by the National Action Plan for the Rights and Interests of Children 2006-2012, which should be implemented systematically in all parts of Croatia through the application of the Croatian National Educational Standards.

In spite of individual children's specific needs, common problems have been noted in exercising rights within each group of children with difficulties (according to the Orientation List of the Types and Degrees of Developmental Difficulties), and we have made individual recommendations concerning these in our report: sight impairment, hearing impairment, difficulties in speaking and articulating, and specific learning difficulties, physical disability, intellectual impairment, behavioural problems dictated by organic factors or progressive psycho-pathological conditions, autism and the existence of several types and degrees of difficulties.

Throughout this reporting period, by participating in meetings and other events, the Office has informed the expert and wider public on the rights of children with developmental difficulties, on the application of the Convention on the Rights of the Child and on the role of the Ombudsperson for Children in protecting the rights of children with developmental difficulties.

RIGHTS OF CHILDREN BELONGING TO NATIONAL MINORITIES

Individual complaints in this area mostly relate to violations of the rights of children of Roma ethnic origin. Roma associations and others (institutions, neighbours) have turned to the Office on several occasions, having noticed individual violations of Roma children's rights. The problem continues to lie in guaranteeing the parents' rights of status, which indirectly affects Roma children. One of the most important matters is assuring the right of Roma children to receive education, because a solid education is the basis for their equal inclusion in the community. The Ministry of Science, Education and Sports is making efforts to advance the state of education for Roma children in Croatia, but this is as yet insufficient. At the level of the European Union, integration is recognised as the only acceptable option for the education of the Roma. The obligation of the Republic of Croatia to adopt an anti-discrimination law in the process of aligning its legislation with EU legislation, will significantly influence the intensification of promoting the educational integration of Roma children. Therefore we maintain that all those responsible should be urgently encouraged to move into action, in order for the project to be carried out in accordance with agreements and accepted standards.

The provisions of the Constitutional Act on the Rights of National Minorities, and the provisions of other laws regulating the rights of members of national minorities, must be interpreted and applied with the aim of respecting both members of national minorities and the Croatian people, and understanding and developing solidarity, tolerance and dialogue. Individual breaches sometimes sour the relationship between the majority nation and national minorities, and these situations tend to occur in areas which were most affected by the war, where the troubled co-existence of adults and their unresolved issues often reflect on the children, or where children themselves become involved in conflict.

RIGHTS OF CHILDREN WITH BEHAVIOURAL PROBLEMS

On the basis of complaints and information received and visits made to homes for children with behavioural problems, a great problem has been noticed in safeguarding the rights of children who often display aggressive or violent behaviour, abuse alcohol and psychotic drugs, or are prone to absconding or begging. At the moment there is no adequate accommodation for children with behavioural problems and the psychological disturbances which go with them. There is also the problem of educating children with behavioural problems, even in smaller communities, where such children are placed in children's homes and attend regular schools and are integrated into the regular education system.

In addition, as far as we have been informed, in court proceedings the justice system tends to wait for long periods before pronouncing correctional measures, even though all proceedings in cases involving children should be considered urgent. Taking the example of Turopolje Juvenile Correctional Institute, we have noticed that in spite of inappropriate, poor accommodation, children are provided with good treatment in this institution. It is therefore all the more worrying that in open conditions, in children's homes for children with behavioural problems within the social welfare system, there is little or no suitable treatment for them.

PROTECTION FOR CHILDREN INVOLVED IN SPORTS

During 2007 the Office discovered, by means of complaints or from other sources, a number of situation indicating that children who were involved in sports or other physical activities,

whether on an organised, regular basis, or simply recreationally, in clubs or at school, were being put at risk. Unfortunately, we did not receive a single comment from the competent authorities in the executive branch of government concerning conclusions and recommendations in last year's report relating to children and sport. At the same time, sports clubs and leagues expressed support for the Office's efforts and for the recommendation that co-ordinated action was necessary in order to take urgent measures to safeguard children's rights and interests while taking part in sports activities. Individual complaints related to events involving athletics, swimming, skating, handball, majorettes and football. Violence which occurs before, during and after sporting events is particularly worrying, as is violence among young people which can be categorised as conflict between different groups of supporters.

The following people should take an interest in the rights of children involved in sports: coaches, physical education teachers, the Faculty of Physical Education, the Croatian Olympic Committee, presidents of leagues, clubs, selection bodies, the Ministry of Science, Education and Sports, the Education and Teacher Training Agency, the Ministry of the Interior, sports doctors, sports journalists, sportsmen and women, parents, politicians and scientists. Unfortunately, data on children in sports, clubs and playgroups has not been integrated and there is no information on adults who act as coaches. This year too we must emphasise in our conclusions the need to co-ordinate activities concerning the protection of children in sports clubs, selection bodies, schools and other institutions where children spend their time. It is up to parents to insist on transparent contracts between clubs and young people, or their legal representatives, so that mechanisms for protecting children are clearly stated in them.

Research and exact data are necessary in order to reach conclusions about the actual level of protection for children involved in sports activities, as well giving heed to each individual complaint, and the opinions of experts should replace shallow assessments and generalisations produced in order to satisfy formal requirements. A great deal of effort and expertise must be invested, the public must be convinced, and most importantly, children and young people must be shown that sport can be a way of life and a set of values which will help them to live healthy lives and lead balanced childhoods.

RIGHTS OF CHILDREN WHOSE PARENTS ARE IN PRISON

Children whose parents or other close relatives are in prison are often an invisible group, who nevertheless face daily uncomfortable emotions and varying reactions in their environment. Separation from a parent due to a prison sentence is a situation in which several bodies, institutions and systems should be involved, in order to protect the child. There are two groups of children in this situation: those who were born while their mother was serving a prison sentence and who are allowed to stay with her for the first three years of their lives, and the second group consists of several thousand children in Croatia whose parents are in prison.

In 2007, 33 complaints were received by the Office relating to the difficulty of keeping up contact with a child due to distance, travel costs, the fact that the child had no escort to take him to the prison, the child's unwillingness to maintain contact, the reluctance of the person with whom the child was living to allow him contact with a parent in prison, or their opinion that a prison visit would be stressful for the child, or because the child had been removed to an unknown address, or the court had forbidden contact. Within these difficulties other problems were also mentioned: the problem of too little contact, too short visits, meetings

arranged in unsuitable places, from the point of view of space and social conditions, the reluctance of foster parents or social service centres to accompany the child, the linking of privileges to contact with a child, a lack of understanding on the part of schools and a lack of support for a child with a parent in prison, and media reporting. Other complaints related to children's and families' fear caused by a father going out from prison, complaints about the care currently offered to the child and the influence of the other parent or other person on the child, maintenance by the parent in prison, housing and financial problems experienced by mothers and children, and manipulation of children's property.

During 2007 we visited 13 penal institutions and found conditions which were inadequate for children to form and maintain relationships with parents. At the same time we found there was a readiness and alacrity on the part of most prison governors and staff to improve these conditions. As part of its activities the Office recommended directly to the Directorate for the Prison System or centre of social welfare measures to be taken in particular cases, and to schools and nursery schools we offered advice on how to proceed in order to protect a child who does not know the truth about a parent, or who is exposed to stigma, and we requested and cautioned journalists and editors not to expose children to the public eye, even indirectly. In two situations we contacted the police, who acted promptly and guaranteed safety, giving further instructions to the child and the family. We consider it vital that psycho-social treatment be provided to prisoners as part of the process of protecting this group of children.

PROTECTING CHILDREN SUBJECT TO ECONOMIC EXPLOITATION

Regulations governing the area of protecting children from economic exploitation, employment or work which is detrimental to their development and health are on the whole appropriate and their implementation efficient. The State Inspectorate has been carrying out increased surveillance in connection with discovering illegal labour and child employment, and has kept the Office of the Ombudsperson informed of violations of children's rights noticed.

In addition, the Office has been notified by parents and citizens of violations of the rights of children in the area of labour relations, and its advice and mediation has been sought in protecting children. Since protecting children from economic exploitation also implies education and promoting this right, the Office has again recommended that the Ministry of the Economy, Labour and Entrepreneurship and the Ministry of Science, Education and Sports, as the competent bodies, pay particular attention to the problem of the economic exploitation of children and the protection of their rights.

The Office of the Ombudsperson for Children has proceeded upon requests from citizens arising from reports of illegal participation by children in cultural or artistic events. This area needs to be approached with the greatest attention and caution, particularly if children are involved in the late evening hours or are surrounded by scenes of violence. There is still no unified practice in defining work, employment and participation of children in various sporting, cultural and stage activities.

PROTECTION AND PROMOTION OF CHILDREN'S RIGHTS AND THE MEDIA

During the last year the media have contributed to the raising of public awareness on the importance of protecting children's rights and raising the standards of protecting children'

rights, as well as the visibility of the institution of the Ombudsperson for Children. However, we still note many examples of media violation of children's rights. The Office of the Ombudsperson for Children most often receives complaints about violation of children's right to privacy or right to dignity, followed by complaints concerning the exposure of children to potentially harmful media content, and the neglect of children's right to obtain suitable information which they can understand via the media. It has also been noted that there is a lack of positive or pro-social content for children and about children in the media, and that children are exploited in advertising campaigns.

When reporting on events in which children are involved, journalists often forget that the Media Act and their own Code of Conduct oblige them to be particularly careful to protect children's identities, in particular, if the child is a victim, perpetrator or witness of a violent act, suspected of committing a crime, the victim of sexual abuse or has committed suicide. Children's privacy is often compromised in the media by parents or guardians themselves.

Although the Media Act prohibits the publication of information which would reveal the identity of a child, if this would endanger the child's well-being, in practice such provisions are often ignored, usually without legal consequences. The lack of case law in this area and the unclear lines of responsibility for monitoring the implementation of the Media Act lead to further difficulties, therefore it is necessary to ask the Ministry of Culture to supply all media with explanations and instructions on how to implement Article 16 of the Media Act, particularly the first paragraph.

The Office of the Ombudsperson for Children has received a large number of complaints about media content which is unsuitable for children, particularly on television, mostly concerning scenes including violence and sex which are broadcast at times when children are likely to be watching, and which are prohibited by the Electronic Media Act. We expect the situation to improve when the Electronic Media Council adopts the Ordinance on denoting contents which are unsuitable for children using age labels, at the same time determining the time of day when they may be broadcast. In this connection it will be necessary to impose clear sanctions on offenders.

Having noted that there is a lack of systematic research into the positive and negative effects of the media on children, the Office is supporting the establishment of a research and development centre on the media. It is our opinion that the Ministry of Culture should consider the possibility of setting up an interdisciplinary, research and professional institution, which would involve experts from different fields of media production, who are competent to evaluate the quality of media products intended for children, and experts from the field of psycho-social development of the child, i.e. psychologists, sociologists and educationalists. A centre such as this would also provide support for children's and adult education via the media and an advisory centre for parents, carers and teachers on which types of media content to offer children at different ages.

During 2007 the Office continued to co-operate with the Journalism Department of Dubrovnik University on educating future journalists on the rights of children, and organised lectures, expert debates and forums on the need to protect children's rights in the media. In co-operation with the Public Prosecution Office and the Ministry of the Interior, the Office organised two public forums on the protection of children's rights in the media, in Zagreb and Split. The conclusions of these forums were sent to the Government of the Republic of Croatia and to the editors of printed and electronic media.

In an attempt to encourage the creation of high quality media content for children and affirm their media creativity, in 2007 the Office launched intensive co-operation with popular "non-commercial" children's magazines (*Modra lasta*, *Smib*, *Prvi izbor* and *Radost*) and with publications written and edited by children. The results of this co-operation are already evident in the increased presence of articles on children's rights in these publications.

CHILDREN AND THE ADVERTISING INDUSTRY

The Ombudsperson for Children began dealing with the area of the influence of the advertising industry on children in 2006, and in 2007 received many complaints, so that several proceedings were launched on the initiative of the Office, mostly concerned with advertising in nursery schools and schools. As far as media advertising is concerned, we mostly received complaints about the content and broadcast times of television adverts. As far as advertising activities in institutes mostly catering for children are concerned, the Ombudsperson delivered recommendations to all county prefects and heads of county offices responsible for activities concerned with education, in which she requested them to act in such a way as to prevent the advertising industry and advertising campaigns from being present in schools, nursery schools, children's homes and other places mostly frequented by children, which fall within the jurisdiction of county offices. It was also requested that the directors of these institutions be acquainted with the above recommendation and that an instruction be issued in order to ensure its implementation.

From complaints received by the Ombudsperson, it appears that this area, in spite of the Consumer Protection Act and the Electronic Media Act, is insufficiently regulated, i.e. is left to a great extent to self-regulation, which has been proved to be inadequate. A meeting was held at the Office of the Ombudsperson with representatives of the competent state bodies (the Ministry of the Economy, Labour and Entrepreneurship, the State Inspectorate, the Ministry of Culture) on the topic of improving legislative and implementing means of protecting children from unsuitable advertising. The Ombudsperson for Children will be paying particular attention to this area in the coming period.

ENVIRONMENTAL PROTECTION OF CHILDREN

One of the most important rights of children, according to the Convention on the Rights of the Child, is the right to life, and it is the obligation of the state to ensure as far as possible the existence and development of every child. Threats to child health and safety were a topic on which the Ombudsperson acted on receiving complaints about harmful emissions, polluted air and non-ionised radiation, which were the results of industrial production, i.e. the results of oil refinery processes in a neighbouring suburban locality, concentrations of toxic exhaust fumes at a bus stop close to a nursery school, organised children's trips to a rubbish tip and work of telecommunications equipment situated in housing areas. Occasional cases of river, lake and other inland water pollution and the standard of drinking water were also brought to the attention of the Office of the Ombudsperson for Children and monitored as potential sources of danger to the health and lives of children. Abandoned mine and explosive ordnance, which still cover large areas in certain parts of Croatia, is a real danger to children. All these examples emphasise the continuing need for raising social awareness, directed towards environmental ways of resolving problematic situations, and the prevention of

potentially harmful occurrences in order to protect the health and safety of children, primarily, as the most vulnerable group in society.

PROPER NUTRITION

Proper nutrition is one of the exceptionally important rights of children, particularly if we take into account that it is important for healthy living and that nutritional habits formed in the early years play an important part in health and quality of life. So we are pleased to see that proper nutrition has been introduced into nursery schools and schools, and are monitoring its progress with interest and support. In order to promote in public the right of children to proper nutrition, on 21 November 2007 we held an expert debate in Osijek, with the participation of experts in food technology, doctors, medical staff working in nursery schools, and heads of educational institutions. In addition, the activities of the Office focussed on the need for more effective protection of children from exposure to advertising which invites them to consume food products which by their content do not correspond to children's nutritional needs.

HEALTH EDUCATION

In connection with the proposed programmes of health education for primary and secondary schools, in January 2007 the Office sent a recommendation to the Ministry of Health and Social Welfare (MHSW), which was also sent to other interested parties and made available to the public. In the recommendation, among other things, the well-known stance of the Office on the need for high standards in health education was emphasised.

In October we asked both ministries for a report on which specific amendments had been requested from the Expert Commission of the MHSW, an assessment of whether these were compatible with the high standards for health education which the Ombudsperson for Children had stated in her January recommendation, and whether the amendments had been implemented. We received no report. In November we delivered an opinion to the MSES and the MHSW on the Experimental Programme of Health Education for Primary and Secondary Schools, in which we concluded that most of the recommendations had been ignored. In reply to this opinion, the MSES claimed that "the Ministry appreciated and took into account the recommendations of the Office... expressed in January 2007." The Office also sent an assessment of the introduction of health education to the Office of the Commissioner for Human Rights of the Council of Europe, at their request.

In January 2008 the MSES announced that health education would be introduced, probably beginning in March. Unfortunately, it has not yet started.

It is the opinion of the Office that there is an urgent need to make available to children information from all areas of the programme for health education.

PRE-SCHOOL EDUCATION

Individual complaints received concerning pre-school education related to the availability of pre-school places for children with special needs and children in specific family circumstances, family law issues, problems in communication between parents and pre-school staff, safety, parental consent for certain expert procedures undertaken in pre-school

establishments, the organisation of work in terms of group stability, inappropriate action on the part of nursery teachers, the publication of photographs taken in nursery schools, nursery school food and inappropriate behaviour towards children on the part of those living in the vicinity of the nursery school. General initiatives undertaken related to protecting children during divorce, safety, taking children to shopping centres or rubbish tips as part of the educational programme, safeguarding children's privacy and partnership between parents and staff.

In connection with the Educational Standard for Pre-school Education, we are concerned by the extended timeframe which has been set for its full application. We think it necessary to implement interdepartmental co-operation, so that the competent ministries, the Education and Teacher Training Agency, town and county offices and NGO's can focus jointly and directly on pre-school children.

PROTECTING CHILDREN FROM PORNOGRAPHY

The Ombudsperson for Children has received many complaints from parents concerning the accessibility of pornography to children. The complaints referred to advertisements for so-called "hot lines" in daily newspapers, displays of magazines and DVD's with pornographic contents on newspaper stands, pornographic advertisements on television during the morning, and the availability of pornography to children via the Internet and mobile phones. Exposure to pornographic content can cause a child to experience problems in developing emotionally and harms the continuity of normal psychological and sexual development, since the child is faced with information which is not age-appropriate and is unable to learn about sexuality at a natural pace. This can lead to confusion, fear or trauma and can leave permanent scars. Clearly legislation in this area is inadequate and is not in the best interests of children. The Ombudsperson for Children will therefore take action in the coming period to achieve better child protection in this area, in accordance with the Convention on the Rights of the Child and the principle of the child's best interests.

PROTECTING CHILDREN IN TRAFFIC

Despite a campaign conducted by the Ministry of the Interior on traffic safety, a campaign by the Croatian Automobile Club on the safety of the youngest participants in traffic, and the stricter provisions of the Road Traffic Safety Act concerning driving under the influence of alcohol, the number of children killed or injured (either seriously or slightly) in road accidents is still high. The Ombudsperson for Children has sent a recommendation to the Ministry of the Sea, Tourism, Transport and Development and the Ministry of the Interior on the safety of children in school buses and passenger vehicles. She has also warned the competent units of local and regional self-government and the Ministry of Science, Education and Sports of the need for the conditions in the Ordinance on vehicle conditions which must be fulfilled in order to transport children to be fully respected and fulfilled, since these bodies co-finance the organised transport of children to and from school.

In her recommendation to the Ministry of the Interior she emphasised the need to implement systematically Article 163 of the Road Traffic Safety Act, according to which the driver of a passenger vehicle may not transport a child under the age of 12 in the front passenger seat, nor a child under the age of five on the back seat, unless strapped into a child seat which is fixed to the back seat. She also emphasised the need to carry out campaigns raising public

awareness of this problem. During the coming reporting period the safety of children in school buses, passenger vehicles and as pedestrians will be among the Ombudsperson's priorities.

PROTECTING CHILDREN FROM CORPORAL PUNISHMENT

In 2004, when the UN Committee on the Rights of the Child discussed the second periodical Report of the Government of the Republic of Croatia under the Convention on the Rights of the Child, corporal punishment was already prohibited in Croatia by the Family Act and the Act on Protection from Violence within the Family. The Committee therefore recommended that Croatia carry out comprehensive research into violence committed against children within the family, strengthen its campaigns to raise public awareness, including children themselves, in order to prevent child abuse, promote positive, non-violent methods of bringing children up and respect for children's rights, and emphasise the negative effects of corporal punishment. The work of existing institutions was assessed and the further training of experts in this field assured, measures were enhanced for encouraging the reporting and processing of offenders, and care, full physical and psychological rehabilitation and the reintegration of victims was also assured.

The legislative body of Republic of Croatia accepted and implemented this recommendation, so that corporal punishment is now a misdemeanour, and if it causes a child injury, is then considered a criminal offence, and in this sense final judgments have been delivered.

In the National Action Plan for the Rights and Interests of Children 2006-2012, one of the measures envisaged is raising public awareness of the need to prevent corporal punishment and other forms of violence against children. Unfortunately, in spite of our requests, we have received no information from the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity on the implementation of these activities. It is necessary to conduct educational, preventive campaigns which would offer the wider public, particularly parents, future parents, children, teachers, nursery teachers, sports coaches and paediatricians, information on alternative methods of discipline and the harmful consequences caused by corporal punishment. However, it is important to offer ongoing training to experts – police officers, public prosecutors, judges, social workers – who are expected to be aware of children's best interests, in order for the standards of the law to be consistently applied.

EXPERT DEBATE: "DATABASE OF SEXUAL OFFENDERS AGAINST CHILDREN"

The Office of the Ombudsperson for Children initiated and organised an expert debate entitled "Database of Sexual Offenders against Children", which was held on 19 November 2007 in the premises of the Croatian Bar Association in Zagreb. Experts from the fields of law, psychiatry, psychology and protecting children's rights took part in a discussion which was attended by many representatives from institutions and associations engaged with this problem. The Ombudsperson for Children used the expert debate as a means of marking the World Day for Prevention of Child Abuse. The collection and storage of information on sex offenders against children is one of the international obligations of the Republic of Croatia, arising from the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, to which the Republic of Croatia is a signatory. Without question, Croatia must establish such a database, but it must be established beforehand which information in particular will be stored in this database, how long such information will be

stored, which body will be responsible for it, to whom will it be available and for what purposes it will be used.

RIGHT TO BE ADOPTED

In connection with the right of a child to be adopted, the Office has been contacted by potential adoptive parents who pointed to the difficulties involved in the adoption procedure, particularly relating to the lack of a unified state register of potential adoptive parents and the lack of networking between centres of social welfare, which means that those submitting requests for adoption are forced to apply to all the centres of social welfare individually in order to increase their chances of adopting a child. We have also been contacted by staff in institutions which accommodate children without parental care, informing us of the long periods which children spend in such institutions and asking for help in speeding up adoption procedures. For this reason the Office has proposed that within the procedure for amending the Family Act the age limit for adoption is not removed, since this would lessen interest in adopting older children, for which it is in any case hard to find adoptive parents. Allowing older persons to adopt very young children is not in the interest of the child because this prevents the adoptive relationship from being as close as possible to biological parenthood. Unfortunately, the Office's proposal was not accepted.

The Office has also received complaints about violations of the right to privacy of adopted children. Although details of adoption are an official secret, the competent authorities require adoptive parents to submit the adoption decision along with the child's birth certificate, in order to exercise certain rights, and this information thus becomes widely available. Therefore the Office of the Ombudsperson for Children has sent a recommendation to the competent authorities, asking them to take measures to prevent this negative practice.

MANIPULATING CHILDREN FOR POLITICAL ENDS

The Ombudsperson for Children has on several occasions appealed to political parties not to include children in any way in their political activities, especially in pre-election times. Children are not voters, many of them cannot assess political influence and do not have a critical attitude towards it. Using children for political ends should not be a normal means of political communication. At the same time, the Office has appealed to political parties to pay special attention to children in their political programmes, by including specific means and conditions for achieving their rights, interests and welfare in these programmes.

PARTICIPATION IN PUBLIC ACTIVITIES FOCUSING ON IMPROVING THE POSITION OF CHILDREN

NATIONAL ACTION PLAN FOR THE RIGHTS AND INTERESTS OF CHILDREN 2006-2012

The National Action Plan for the Rights and Interests of Children 2006-2012 envisages 124 measures and a number of activities in 15 fields, spread over a period of seven years, designed to improve systematically the status of children's rights, while better protecting their interests. The Action Plan is the responsibility of all the competent state administration bodies, units of

regional and local self-government, expert and scientific institutions and civil society organisations, along with the Office of the Ombudsperson for Children. The activities of the Office of the Ombudsperson for Children according to the National Plan for 2007 were the same as those normally carried out by the Office, as described in the individual chapters of this report. During 2007 the Office monitored the implementation of the National Plan and sought reports on actions undertaken. Information on the implementation of the National Plan is still not available to expert and wider public to the extent anticipated, nor are all participants responsible for its active implementation acquainted with the reasons for and contents of the plan, its areas of activity, deadlines and implementation indicators.

NATIONAL PROGRAMME FOR THE PROTECTION OF HUMAN RIGHTS

At the invitation of the Office for Human Rights of the Government of the Republic of Croatia, the Office of the Ombudsperson for Children participated in producing the "Children and Young People" chapter of the Draft National Programme for the Protection and Promotion of Human Rights 2008-2011. The Office proposed that the National Programme should include a number of measures which would emphasise the determination of the Republic of Croatia to recognise and promote the rights of children.

PROTECTING CHILD BEGGARS

The problem of child beggars has been noted as a serious social problem whose resolution should be approached by co-ordinating the activities of all the competent bodies. The Office of the Ombudsperson for Children invited them to nominate members of a working group to produce a Protocol, and in December 2007 a working group was formed, composed of a representative of the Office of the Ombudsperson for Children and representatives of the Ministry of the Interior, the Ministry of Justice, the Ministry of Health and Social Welfare, the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, the High Misdemeanour Court, the Public Prosecution Office and the Zagreb Police Department. The working group has produced a draft Protocol and sent it for expert debate within the bodies involved in the project.

UNICEF PROGRAMME ON "EARLY CHILDHOOD DEVELOPMENT AND MOTIVATIONAL PARENTING"

This year the Office has again participated as a member of the working group for the UNICEF programme "Early Childhood Development and Motivational Parenting" and the campaign "The First Three Years are the Most Important".

A constitutive part of the project is the training of health personnel (health visitors) and parents, and the work has begun of four multidisciplinary mobile teams (a paediatrician, physiotherapist and psychologist), who are already operating in the Čakovec, Sisak and Đakovo areas.

COMMEMORATING 19 NOVEMBER, WORLD DAY FOR PREVENTION OF CHILD ABUSE

The Office of the Ombudsperson for Children has joined in commemorating 19 November, World Day for Prevention of Child Abuse, as an active member of a coalition of 128 countries and 781 organisations throughout the world who are conducting a campaign for preventing violence and abuse against children.

RECOMMENDATIONS FOR TAKING MEASURES TO PREVENT HARMFUL ACTS WHICH THREATEN THE RIGHTS AND INTERESTS OF CHILDREN

RECOMMENDATION ON PROTECTING CHILDREN IN SISAK FROM INDUSTRIAL POLLUTION

The Ombudsperson for Children has sent a recommendation to the competent authorities in connection with the right of children to a healthy environment and the achievement of the highest possible level of health in Sisak, which relates to the implementation of several specific measures, with the final goal of eliminating irregularities in industrial plants and the potential causes of sickness.

RECOMMENDATION CONCERNING THE "INCINERATOR – WASTE CLEANER" PICTURE BOOK

The opinion of the Office of the Ombudsperson for Children is that the production of a picture book on waste management is a legitimate way of achieving educational goals, but that children must not be thereby treated as the "means" of transmitting the ideas to adults, as the representative of the publishing house announced in public, but rather the point of departure should be children's needs. It is also legitimate to provide the public with information on waste management projects planned in Zagreb, but promoting the idea of building an incinerator, as the usual solution applied in European cities, should be directed towards adults.

RECOMMENDATION ON SPONSORSHIP CONTRACTS

In connection with the signing of a sponsorship contract between the Ministry of Science, Education and Sports and the Coca-Cola Company concerning sponsoring the National School Sports Clubs Championship for Primary and Secondary Schools, we consider that advertising and distributing unhealthy beverages to children is in opposition to the National Action Plan for the Rights and Interests of Children, i.e. its section concerning nutrition, which envisages educating children and parents about the importance of consuming adequate quantities of water and liquids, which should be achieved by promoting and distributing bottled water, while reducing the consumption of carbonated and fruit beverages, with the exception of freshly-squeezed fruit juice.

MESSAGE TO POLITICIANS CONCERNING ELECTION CAMPAIGNS: CHILDREN MAY NOT HAVE THE RIGHT TO VOTE, BUT THEY HAVE RIGHTS

According to the experiences of the past years, the issue of protecting and promoting children's rights has usually been marginalised in election campaigns. The Ombudsperson for Children has brought up some sore points indicating the unsatisfactory position of children in Croatia, and has appealed to politicians to state explicitly in their manifestos their intention to improve the status of children's rights in Croatia.

APPEAL – PREVENT CHILDREN FROM DROWNINIG

The Ombudsperson for Children has appealed to parents, nursery teachers and all who care for children to exercise great care and supervision while allowing children to bathe in swimming pools, the sea, lakes or rivers, and, at home, in small, inflatable pools or in the bath. She appealed to adults not to entrust children in these circumstances to the care of older children, as the responsibility is too great, and insisted that children of school age should not be allowed to swim alone in unsupervised places such as canals or rivers.

RECOMMENDATION FOR LOWERING THE INFANT MORTALITY RATE

The Office of the Ombudsperson for Children has sent a recommendation to the Ministry of Health and Social Welfare and the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, appealing for the urgent realisation of measures drafted in the National Action Plan for the, Rights and Interests of Children 2006-2012. Among other things, these measures envisage the setting up of advisory centres and family planning and reproductive health centres, with the aim of reducing the infant mortality rate, systematically monitoring and supervising the health of all women during pregnancy, birth and in the post-natal period, as well as stimulating the development of preventive activities, such as the setting up of mobile advisory teams for rural and less accessible areas, and a campaign for informing the public, particularly pregnant women, about the options available to them when bearing an unwanted child.

RECOMMENDATION FOR PROTECTING CHILDREN IN RAIL TRAVEL

We were so concerned by information about the threat to human life represented by the lack of a railway station in Ilača and the ruinous condition of the railway station buildings, that in December 2007, with the aim of protecting children's health and safety, we asked the Ministry of the Sea, Tourism, Transport and Development, which is responsible for rail travel safety, to check allegations on the threatened safety of passengers waiting for trains by the tracks, and in connection with this, take measures to protect children.

RECOMMENDATION TO THE COUNCIL FOR THE NATIONAL CURRICULUM FOR THE PRE-SCHOOL, PRIMARY AND SECONDARY EDUCATION SYSTEMS

With the aim of implementing the provisions of the Convention of the Rights of the Child, the Office of the Ombudsperson for Children recommended to the Ministry of Science, Education and Sports, as the body charged with proposing the National Educational Standard and the National Curriculum for the Pre-school, Primary and Secondary Education Systems, that in drafting these documents, important for the future of children, they should ensure that priority is given to the principle of protecting children's welfare.

RECOMMENDATION ON INTRODUCING FREE SECONDARY EDUCATION

We have recommended and supported the introduction of free secondary education and the accompanying stimulatory measures by which, as prescribed in Article 87, paragraph 4 of the Family Act, every child will have the right to choose his or her education and vocation, and the right to employment according to his or her abilities and wellbeing.

RECOMMENDATION ON SCHOOL TEXTBOOKS

The Ombudsperson for Children has recommended to the Ministry of Science, Education and Sports that measures be undertaken to reduce the weight of schoolbags and ensure the implementation of legal provisions on the maximum number of lessons per day and per week, balancing timetables so that children are not faced with up to seven lessons per day.

RECOMMENDATION ON THE UNACCEPTABILITY OF ORGANISING SCHOOL AND NURSERY SCHOOL TRIPS TO SHOPPING CENTRES

The only interest served by such "trips" is the profit made by individuals, which incurs a corresponding financial loss on the part of children and their parents, along with a message which is definitely not didactic. Taking children on "trips" to shopping centres is one of the most worst forms of economic exploitation of children, particularly when organised by schools or nursery schools, and for this they should be held responsible.

CHILD PROTECTION IN THE "BABY MARATHON" EVENT

"Baby Marathon" cannot surely make any contribution to child welfare, since it is an event totally unsuitable for small children, their needs and developmental characteristics. So although we appreciate the efforts of the organisers and their attempt to make children more "visible" in society, nonetheless we recommend that in future events including children, they should not be put in the position of entertaining adults and that winners should not be singled out, thus protecting their rights and interests.

RECOMMENDATION ON PROTECTING CHILDREN FROM ALCOHOL ABUSE, IN ACCORDANCE WITH THE CATERING ACT AND THE TRADE ACT

We have asked the Ministry of the Economy, Labour and Entrepreneurship to inform those in the profession and the general public on the practical implementation of Article 12 of the Catering Act. We have asked the Ministry to ensure as efficiently as possible the implementation of the provision prohibiting minors from being served with or consuming alcohol in catering establishments. At the same time, we have recommended to the Ministry to disseminate the information concerning the practical application of legal provisions relating to persons under the age of 18 also insofar as it relates to the prohibition of the sale of alcohol and drinks containing alcohol and the prohibition of the sale of tobacco products (which are regulated by separate legal regulations).

RECOMMENDATION ON ADVERTISING IN SCHOOLS

The Ombudsperson for Children has sent a recommendation to the Ministry of Science, Education and Sports and to all county prefects and heads of county offices responsible for activities concerned with education, proposing that in future they conduct themselves in such a way as to eliminate the advertising industry and advertising campaigns not only from schools, but other places frequented by children, such as nursery schools, children's homes, etc, within their jurisdiction. We have also recommended that the heads of these institutions be acquainted with this recommendation and that an instruction be issued in order to ensure its implementation.

RECOMMENDATION CONCERNING THE PUBLICATION OF ADVERTISEMENTS WITH PORNOGRAPHIC CONTENT

The Ombudsperson for Children has received many complaints from citizens concerning the publication of advertisements with pornographic content in daily newspapers. Sometimes, for example, such advertisements are placed in close proximity to advertisements for *Hrabri telefon* ("Brave Phone"). The Ombudsperson for Children has sent a recommendation to the press editors-in-chief, but in spite of this, several publications continue to carry such advertisements. Therefore the Ombudsperson for Children filed a motion with the Chief Public Prosecutor to initiate criminal proceedings, as she considers that the publication of such advertisements reveals presence of the elements of the criminal offence of introducing children to pornography, as described in, and punishable under, Article 197 of the Criminal Code.

RECOMMENDATION ON THE SPECIALISATION OF LAWYERS TO REPRESENT CHILDREN

The Ombudsperson for Children has sent the Ministry of Justice a recommendation suggesting that, in co-operation with the Croatian Bar Association, judges and state attorneys dealing with juvenile cases, the Judicial Academy and the relevant university departments (the Faculty of Law, the Faculty of Philosophy and the Faculty of Education and Rehabilitation), it should draw up and pass a regulation, pursuant to which lawyers would be granted licences to represent children in criminal proceedings in which children are either the perpetrators or victims of a criminal offence.

RECOMMENDATION ON CHILDREN'S SAFETY IN SCHOOL BUSES AND PASSENGER VEHICLES

We have requested reports from the Chief Constable and the Minister for Development, Maritime Affairs, Transport and Communication on the implementation of the Road Traffic Safety Act, in connection with Article 163 and the Ordinance on vehicle conditions which must be fulfilled in order to transport children, and recommended the taking of measures, including promotional, educational campaigns on the importance of using child seats in order to protect and promote further child safety in traffic.

RECOMMENDATION ON INTRODUCING A COURSE ON VIOLENCE AGAINST AND AMONG CHILDREN IN UNIVERSITIES

With the aim of improving protection of the rights and best interests of children, we have sent the competent authorities a recommendation and, among other things, indicated the need for the urgent fulfilment of the measure to draft a new educational course entitled "Violence against and among children" to be introduced at undergraduate and postgraduate levels in the appropriate university departments.

RECOMMENDATION FOR THE ESTABLISHMENT OF A CHILD PROTECTION CLINIC IN THE DALMATIA REGION

The Child Protection Clinic of the City of Zagreb is a unique establishment in Croatia, by virtue of its activities, characteristics and achievements, and represents a model in demonstrating both its effectiveness and the need for such an establishment in the area of child protection. However, current capacities can no longer offer help to all the children who need it. Given the information acquired by the Office of the Ombudsperson for Children on the needs of children in the Dalmatia region, we have sent a recommendation and suggested to regional centres and counties in Dalmatia that they consider and initiate the opening of a similar institution in the Dalmatia region.

RECOMMENDATION ON ESTABLISHING A DATABASE ON CHILD SEX OFFENDERS

It has been recommended that a working group be set up to draw up a proposal for a law regulating the establishment of a database on child sex offenders in the Republic of Croatia, as well as to analyse existing laws which need aligning with the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Abuse, in order for the database to be truly effective in protecting children from sexual offences.

PARTICIPATION IN THE PROCESS OF DRAFTING REGULATIONS

LEGAL AID ACT

The Office has proposed that right to legal aid be granted in proceedings conducted pursuant to international conventions, concerning the protection of children's rights and welfare; in proceedings concerning the protection of children and young people with behavioural problems; in family-law procedures, except those involving reduced maintenance payments; in misdemeanour proceedings conducted pursuant to the Act on Protection from Violence within the Family, in relation to persons who are the victims of violations of this Act, and in criminal proceedings in relation to persons who are the victims of crime. In connection with situations in which, pursuant to the law, the right to legal aid must be approved, we have proposed that this right be extended to include not only the victims of trafficking in persons, but to unaccompanied children found in the territory of the Republic of Croatia, and children who are the victims of crime and those involved in proceedings to establish the right of the child to maintenance. We have also proposed that in all these proceedings, the right to legal aid be granted to the aforesaid categories of persons regardless of the material status of the family.

WEAPONS ACT

We consider it vital that in the text of the Weapons Act provisions be included to prescribe more restrictive conditions for the issuing of a licence to bear weapons, and that persons who illegally own weapons be penalised more harshly. We also propose that the periods of time for which weapons licences are issued be shortened. To these ends, we submitted our proposals, which were unfortunately rejected.

ACT ON THE ENFORCEMENT OF SANCTIONS IMPOSED ON JUVENILES FOR CRIMINAL OFFENCES AND MISDEMEANOURS

We have proposed firmer monitoring of the success of treatment and of decisions aimed at limiting the freedom of movement and the inclusion of various types of professionals in carrying out disciplinary measures in cases in which the mental health of a juvenile has been damaged, or in cases of personality disorder, addiction, etc. The Office has proposed improved protection of juveniles' privacy, adherence to and easier exercise of the right to appeal against disciplinary measures, making accommodation in the Department for Increased Care and Supervision more accessible to juveniles at their own request, and limiting their accommodation with adults. Since this Act has not yet been sent to parliamentary procedure, we hope that our recommendations will be accepted and that in the next reporting period, the Act will be adopted and enter into force.

ALIENS ACT

In the last reporting period, the Office of the Ombudsperson for Children participated by submitting proposals and opinions in the procedure to draft the Aliens Act, and this activity has continued in the current reporting period. The Ministry of the Interior has accepted the Office's recommendations concerning the status of child victims, their protection and the increased role of the competent Ministry of Social Welfare, along with comments concerning the alignment of terminology with the Family Act.

CONSUMER PROTECTION ACT

We have sent many recommendations to producers, sales outlets and service providers, but we cannot say we are satisfied with the results. It has been proved that self-regulation of the market factors in this area is dissatisfactory, and there is an obvious need to strengthen legislation. The drafting of the new Consumer Protection Act has therefore been of great importance to us and we have sent many suggestions to its proposer, the Ministry of the Economy, Labour and Entrepreneurship, concerning adequate protection of the rights of children in the area of advertising. All the suggestions made by the Ombudsperson for Children have been rejected, so that at this moment, children are to all intents and purposes left without protection from violation of their rights by the Consumer Protection Act, for reasons unknown to the Office of the Ombudsperson for Children.

AUDIOVISUAL ACTIVITIES ACT

Children in particular are often exposed to content which is not age-appropriate, and self-regulation has been proved ineffective in practice so far. Given the parent complaints we have received concerning the way in which pornographic material is exhibited in video stores so as to be easily accessible to children, we have proposed that the Act prescribes which kind of material should be exhibited exclusively in specially reserved rooms, to which children would not have access, and this proposal has been accepted.

ACT ON THE OMBUDSPERSON FOR PERSONS WITH DISABILITIES

In the procedure of adopting the Act on the Ombudsperson for Persons with Disabilities, the Ombudsperson for Children has indicated the possibility of a positive conflict of jurisdiction, since children with developmental difficulties, according to current legislation, fall within the competence of both the Ombudsperson for Children and the Ombudsperson for Persons with Disabilities.

BLINDNESS ALLOWANCE ACT

The Office of the Ombudsperson for Children has prepared a proposal and opinion on the Proposal for the Blindness Allowance Act produced by the Croatian Association for the Blind, and will continue to participate by submitting proposals and opinions in order for the right of persons with the most severe form of this disability to receive a blindness allowance to be regulated in an uniform manner, thus enabling these persons to cover the extra costs which they face because of their disability.

ELECTRONIC MEDIA ACT

The Office has supported the adoption of the Act on Amendments to the Electronic Media Act, and submitted a number of proposals aimed at protecting children. Among these, we have proposed that the Act prescribes times of the day during which material which is harmful to children may not be broadcast, that the ban on certain forms of advertising and TV sales be extended to betting shops, gambling establishments and automatic dispensers selling tickets for games of chance, but unfortunately, these proposals were not accepted. We are happy to report that our proposal was accepted concerning the introduction of misdemeanour responsibility for legal or natural persons broadcasting programme material which may seriously harm the physical, mental or moral development of children, particularly material including pornography or superfluous violence, and for persons broadcasting advertising and TV sales which are contrary to legal provisions.

FAMILY ACT

The Office's proposals focussed on improving the position of children in regard to exercising the right to maintenance, and it was accepted that claims for enforcement child maintenance payments should take priority over other claims, regardless of chronology. Unfortunately, the Office's proposal for the time limit of three years for payment of temporary maintenance from funds of centres of social welfare to be abolished, and the proposal that the level of temporary maintenance should be set on a scale between 50 and 100% of the amount decreed by a court order, depending on financial circumstances, were rejected. In relation to new legal

arrangements concerning adoption, the Office opposed the abolition of the age difference and age limit regulations for adoption.

ASYLUM ACT

The Office participated in the adoption of the Asylum Act by submitting proposals aimed at improving the position of children who find themselves in situations covered by this Act. The Office proposed that children seeking asylum and children under temporary protective care be included in health insurance to the same extent as other beneficiaries of the compulsory health insurance scheme. We also proposed that the list of data held be extended so that data on children is collected and processed separately (asylum seekers, those granted asylum and children in temporary care) along with all relevant circumstances concerning their status in the Republic of Croatia, and that the legal text be harmonised with the terminology used in the Convention on the Rights of the Child. Our proposal concerning provisions for nominating a guardian for a minor over the age of 16 has been accepted in part.

SOCIAL WELFARE ACT

The Office has attempted to improve the position of children within the social welfare system by submitting a number of proposals for amendments to this Act. We proposed that the maintenance payment received by a child on the basis of statutory maintenance be exempted from the family's total income when assessing rights to social welfare benefits; that "unaccompanied children" be included in the categories of persons in need of temporary accommodation; that benefits paid to parent-carers be increased; that the status of parent-carer be not conditional solely on the lack of means of including a child in a residential programme, but that the status be granted regardless, if it is in the best interests of the child; that children from foster homes who become students should receive increased financial support and that this right be linked to completing educational requirements regularly and in an orderly manner, and that centres of social welfare be obliged to make more frequent visits to beneficiaries who are accommodated in foster homes. Unfortunately, our proposals were not adopted, apart from the proposal that persons against whom measures for family-law protection or sentences for misdemeanours arising from the Act on Protection from Violence within the Family have been delivered, may not become foster parents.

FOSTER CARE ACT

The Office has proposed that the criteria for foster parents be made more stringent; that they be required to care for the health of foster children and allow them to receive psychological and sociological treatment if so directed by experts; that they be required to allow and encourage meetings between children and biological parents or other relatives, in accordance with the decision of the competent body; that centres of social welfare be required to visit foster homes on a regular basis and maintain contact with foster children, and that the foster parents be required to undergo training offered by the centre of social welfare. These proposals were adopted, but unfortunately, the proposal to set up a Fostering Agency, and the proposal that persons against whom criminal proceedings have been conducted or against whom a non-final sentence for specific criminal offences has been declared, should not be able to become foster parents, were rejected.

DRAFT PROGRAMME OF ACTIVITIES OF THE GOVERNMENT OF THE REPUBLIC OF CROATIA AND THE UNITED NATIONS FUND FOR CHILDREN 2007-2011

The Office has produced an opinion on the Draft Programme of Activities of the Government of the Republic of Croatia and the United Nations Fund for Children 2007-2011 and sent proposals which it considers will increase the efficacy of international and national protection of children. We have proposed amendments in order to achieve terminological clarity, which will make corporal punishment completely unacceptable. Since this concerns unacceptable behaviour on the part of adults, we think that introducing degrees ("reducing physical punishment") allows the possibility to interpret that "light" physical punishment is acceptable.

NATIONAL STRATEGY FOR PROTECTION FROM VIOLENCE WITHIN THE FAMILY 2008-2010

The Office has proposed that in the text of the National Strategy the text on the Convention on the Rights of the Child be incorporated and on the duties of the state regarding protecting children from every form of physical or mental violence or abuse, neglect or abandonment, ill-treatment or exploitation while in the care of a parent, legal guardian or other responsible person. We have also proposed that along with other dates marking the protection of human rights and the advancement of the position of victims of family violence, 19 November (World Day for Prevention of Child Abuse) and 20 November (International Day of the Convention on the Rights of the Child) also be observed. These proposals were accepted, as was the proposal that the Office of the Ombudsperson for Children, in view of its specific position, scope and methods of work, should not be included as member of working groups of the Government of the Republic of Croatia, or as a holder or implementer of measures enacted by the Government of Croatia. Unfortunately, other proposals made by the Office, focussing on improving the position of child victims of family violence, were rejected.

VISITING CHILDREN WHO ARE ACCOMMODATED TEMPORARILY OR LONG TERM WITH NATURAL AND LEGAL PERSONS AND OTHER LEGAL SUBJECTS PURSUANT TO SPECIAL REGULATIONS AND VISITING OTHER INSTITUTIONS WHERE THERE ARE CHILDREN

During 2007 the staff of the Office of the Ombudsperson for Children visited many institutions where children are accommodated permanently or temporarily. The visits to these institutions included monitoring conditions in the institutions regarding organisation, space and staff, and talking to employees and children who live or have been placed in these institutions. After each visit, the Office delivered its recommendations. We visited **social welfare institutions** (Rehabilitation Centre Fortica-Kraljevica, Cres Children's Home, Zadar Children's and Youth Home, Mali Lošinj Remand Home, Ivanec Remand Home, "Maslina" Children's Home, Dubrovnik, "Maestral" Children's Home, Split, and its sister institution, "Miljenko i Dobrila" in Kaštel Lukšić); **institutions for abused children and adult victims of family violence** (Home for Abused Children and Adult Victims of Family Violence, "Rovinjско sunce", Shelter for Victims of Family Violence run by the Association for Family Protection, Rijeka, Osijek Shelter for Victims of Family Violence, Caritas Home for Women and the Child Victims of Family Violence and the Duga – Zagreb Home for Child and Adult

Victims of Family Violence), **educational institutions** (Vis Primary School, Antun Mihanović Primary School, Osijek, Ljudevit Gaj Primary School, Osijek, Mertojak Primary School, Split, Nova Gradiška Gymnasium), **the Centre for Autism, health institutions** (Paediatric Clinic of Rebro Clinical Hospital, Paediatric Ward of Dubrovnik General Hospital, and the maternity and paediatric wards at Šibenik General Hospital), and **penal institutions** (Požega Correctional Institutes, Turopolje Correctional Institute, Požega Penitentiary, Remetinec Prison in Zagreb, Požega Prison, Osijek Prison, Bilice Prison in Split, Šibenik Prison, Zadar Prison, Dubrovnik Prison, Gospić Prison, Rijeka Prison and Pula Prison).

OTHER ACTIVITIES IN CONNECTION WITH PROTECTING AND PROMOTING THE RIGHTS AND WELFARE OF CHILDREN

PRESENTATIONS AND PARTICIPATION

During 2007 the Ombudsperson for Children and her colleagues carried out a number of activities focussing on monitoring, protecting and promoting children's rights. They held around forty presentations or participated in expert meetings and many articles were published in magazines. These can be divided into six topics: violence, abuse and neglect; children's health rights; schools and children's rights; children with disabilities; protecting children in the media; and promotion and education on the rights and protection of children.

CO-OPERATION BETWEEN INSTITUTIONS AND OTHER FORMS OF CO-OPERATION

The co-operation between the Ombudsperson for Children and other institutions, bodies, NGOs, expert associations and individuals is an exceptionally important part of the work of the Office, with the aim of building a comprehensive system for protecting and promoting the rights and interests of children and preventing harmful acts which may put them at risk. It would be impossible to make progress in this area without the active participation of all members of society whose aim is to safeguard the rights, interests and welfare of children. We would particularly like to mention the excellent co-operation we enjoy with the Ministry of the Interior, the Croatian Bar Association, the Croatian Chamber of Psychology and the Psychology Department of the Faculty of Philosophy of Zagreb University and the Education and Teacher Training Agency.

CO-OPERATION WITH NON-GOVERNMENTAL AND OTHER ORGANISATIONS

The Office has actively encouraged the co-operation of NGOs and state bodies, since joint action is essential from the point of view of respecting the principle of the best interests of the child. During 2007 we co-operated with many associations, of whom we will mention just a few: the Croatian Journalists' Association, the Society for Psychological Assistance, *Roda* ("The Stork"), the Croatian Law Centre, *Udruga roditelja Korak po Korak* ("Step by Step – Association for Parents"), Our Children League of Associations, and the Co-ordination Society for Children.

PUBLISHING AND PROMOTIONAL ACTIVITIES

To mark the 18th anniversary of the Convention on the Rights of the Child, the Ombudsperson for Children launched an issue of special postage stamps, the proceeds of which were earmarked for printing a picture book using tactile techniques for sight-impaired children. In addition, we printed a booklet with the Convention on the Rights of the Child in child-friendly language and the texts of the Ombudsperson for Children Act and the Convention in Croatian and in two Roma languages, Romany Chib and Limba D'Bjaš. Our publishing activities also included printing a leaflet on the right of children to protection from violence, a leaflet on children's right to judicial protection, a poster with the text of the Convention in child-friendly language, which appeared in several children's magazines, a bookmark, a memory game, wall and pocket calendars, greetings cards and folders, all on the theme of children's rights.

MEETINGS, CO-OPERATION AND ASSOCIATION WITH CHILDREN

In accordance with the Ombudsperson for Children Act, during 2007 the Ombudsperson for Children initiated meetings with children, which were held in the premises of the Office in Zagreb, Osijek, Rijeka and Split, in pre-school institutions, primary and secondary schools, penal institutions, institutions for children with special needs, remand homes, hospitals, homes for children without adequate parental care, and meetings of children's bodies and various other meetings. The goal of these meetings was to acquaint children with the means of exercising and safeguarding their rights and interests and offer them advice on how to do so, acquaint them with the powers and working methods of the Office, and encourage them to express their opinions.

INTERNATIONAL CO-OPERATION

The Office of the Ombudsperson for Children engaged in particularly active international co-operation in 2007, which could be grouped in several areas: co-operation with international organisations, bilateral co-operation, and participation in international conferences, seminars and expert meetings. The Office participated actively in the work of the global network of Ombudsmen for Children, the European Network of Ombudsmen for Children and the informal network of Ombudsmen for Children in Southeast Europe. We also co-operated with UNICEF and participated in the work of the UN General Assembly dedicated to children.

REGIONAL OFFICES

During 2007 the work of independent executives, consultants to the Ombudsperson for Children, began in regional offices in Osijek, Split and Rijeka. The setting up of regional offices, which has brought us closer to children, adults and local communities, is already showing results less than a year after its inception. We think the further strengthening of the regional offices is necessary, since more field work and higher visibility have led to an anticipated increase in the number of complaints received, but also an increase in self-initiated procedures.

OFFICE OF THE OMBUDSPERSON FOR CHILDREN: ORGANISATION AND FINANCES

ORGANISATION

The Ombudsperson for Children Act, the Rules for the Ombudsperson for Children and the Ordinance on the internal organisation of the Office of the Ombudsperson for Children prescribe the scope of work, organisation and number of civil servants necessary for the work of the Office. The Office of the Ombudsperson for Children has an Expert Services Department and a General Services Department, in which, during 2007, along with the Ombudsperson for Children and her two deputies, in comparison to the number of 23 civil servants confirmed as necessary to the functioning of the Office, 12 civil servants were actually employed. During 2007 the short-term plan for recruiting new civil servants was implemented, which led to the employment of four people. This means that the Office of the Ombudsperson has been functioning since its inception with fewer employees than either planned or needed. Accordingly, new posts were set up for independent executives in Split, Osijek and Rijeka, and for an adviser to the Ombudsperson in Zagreb.

At the same time, in co-operation with the Central Office for State-Owned Property, the procedure for securing business premises for the work of the independent executives in Split and Osijek was concluded. The problem of the business premises for the work of the independent executive in Rijeka, owing to a lack of suitable premises owned by the Republic of Croatia, has been resolved by a public competition and leasing of an office owned by the City of Rijeka. In following through the development plan for the Office of the Ombudsperson for Children and the tempo of recruiting officials up to the desired number, activities have begun to exchange the current premises in Zagreb of about 400 m²

FINANCES

In accordance with the programme of work and development plan of the Office, and the employment of new advisers in Zagreb, Osijek and Rijeka, the budget of the Office of the Ombudsperson for Children for 2007 was 4,179,000 kuna.

Comparing data on the execution of the State Budget this year and in 2005 and 2006, it is clear that each year the Office achieves better results in terms of planning and monitoring budget actualisation. Thanks to very good co-operation between the Office of the Ombudsperson for Children and the Ministry of Finance and the State Treasury regarding the timely, planned use of funds from the State Budget and the approval of a rebalanced budget, the Office, in accordance with its programme of activities, has almost fully kept to the budget plan.

CONCLUSION

In 2007 children's rights were once again most threatened in the areas of protection from violence, neglect and family relationships. An overview of the rights of children exercised during a five-year period leads us to conclude that in the area of safeguarding and promoting children's rights, positive steps forward have been taken, particularly in raising awareness of the needs and rights of children, but the number of children deprived of their rights because of the non-functioning or incomplete functioning of the system is still worrying.

We are particularly concerned that the social welfare system, as one of the most important links in the chain of protection of children's rights, has a number of weaknesses caused by

inefficiency. Centres of social welfare are assigned many duties and they are the only places where people are sent in cases of family conflict, problems in bringing up children, family violence and other exceptionally complex situations. The lack of professional staff, training and the expert support of the competent ministries has led in a certain number of cases to inadequate involvement or shallow, erroneous assessments and procedures. Since this has been the situation for many years and there appears to be little chance of resolving it, a thorough reform of the social welfare system is necessary. We expect the Ministry of Health and Social Welfare to be actively involved in creating a permanent solution to this burning question, to assume responsibility and safeguard the system from further decay, which in itself weakens the protection of children's rights. An adequate number of professional staff must be employed in social welfare institutions, and they must receive regular training and have their work compulsorily supervised. Expert support must be provided as well as evaluation by external supervisors, and a network of professionals with the motivation and training for this work must be developed, along with additional recompense for their involvement.

We also consider that insufficient investments in health and the problems of the health system should not be allowed to endanger the health rights and protection of children in Croatia. Society must focus urgently on preventive activities to protect the mental health of children, and on children's education, as well as the professional education of adults in this area.

We are witnesses to many weaknesses of families, parenting difficulties and conflicting family relationships which often put children in families at risk. Family centres have not yet become places where children and other family members, threatened by afflictions and difficult situations in life, can receive adequate support, advice and actual help. Family centres must be set up in counties which do not yet have them, in order to assume the tasks defined in regulations as soon as possible, these being prevention, family support, counselling and ongoing care for all family members.

We recommend that the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, as the body responsible for individual activities and as the co-ordinator for monitoring and implementing the National Action Plan on the Rights and Interests of Children 2006-2012, which is an extremely important document, invests extra effort in ensuring that the goals of the Plan are achieved within the given timeframe.

We consider particularly unacceptable the slowness, inefficiency and lack of sensitivity of the judicial system in proceedings concerning the rights of children, although we have been issuing warnings about this for several years now. We hope that the reform of the judicial system will lead to recognition of the problems of protecting children's rights and that they will be considered significant and given priority.

Within the education system, as emphasised in previous reports, we are concerned about the significant number of teachers and staff who do not fulfil their primary role. They sometimes act incompetently, without interest, or timidly. The relevant ministry is still helpless to act to protect the interests of children, due to its lack of insight into all aspects of the system and its functioning and the lack of efficient administrative supervision of the work of nursery schools and schools, head teachers and administrative bodies, which contributes significantly to hindering objective appraisals of the causes of problems and how to resolve them. This state of affairs is aggravated by difficulties concerning personnel and premises and the lack of adequate legislation. All this requires the final adoption and implementation of state

educational standards and the creation of conditions for children's education under equal conditions and according to ability, as well as the adoption of new laws within the system. While employing staff with the qualifications needed, their work with children must be brought up to date, which includes encouraging and respecting partnering with parents and appreciating the opinions and needs of children.

We must emphasise the need to strengthen the links between expert staff in schools, centres of social welfare, primary health care centres, schools medical facilities and the police, in their work on prevention and the monitoring of children through better co-ordination of activities and a clearly defined chain of responsibility, with the involvement of supervision services and assistance for those who work with children. The responsibilities which arise from the profession, one's post and the law must actually be assumed. It is exceptionally important to create better connections and co-operation between all institutions involved in protecting children. From the point of view of the Office of the Ombudsperson for Children, as a place for gathering information and considering problems from all angles, it is clear that there is a lack of networking resources and insufficient use is made of professional knowledge and multidisciplinary approaches in resolving problems concerning the protection of children. As a society, we have clearly committed ourselves to making the safeguarding of children's interests a key priority in many documents (strategies, plans and programmes), so we must not allow children's rights to be marginalised or neglected due to failure to put these documents into practice or because of practical problems.

The media are often the promoters of children's rights, as they point out failings in the system responsible for protecting children. Unfortunately, the media themselves violate children's rights on many occasions, which indicates a need for better training of journalists, editors and publishers, in order to achieve high professional and ethical standards in reporting which concerns children.

Many institutions are passive and in most cases act as though they have been excluded from responsibility for protecting children. The non-functioning of the system and the inertia in taking measures shown by the competent institutions gives the impression that, although they are the bodies established at different levels with the specific duties and powers to protect the interests of children, in fact they expect someone else to deal with the problem for them. This opens the door to the illusion of a parallel system, in which the shedding of responsibility leads to legal uncertainty. It is certainly not good that many institutions, organisation, associations and experts keep quiet about certain problems, waiting to hear what the Ombudsperson for Children will say, and forgetting their own responsibilities.

Involving the Ombudsperson for Children in specific cases gives an insight into the ways in which the safeguarding of children's rights is achieved and does not affect the independence of the competent bodies in resolving issues, since the basic task of the Office of the Ombudsperson for Children is to monitor all areas of the lives and rights of children. In doing so, we look at the whole picture, assess whether we can do more to protect children, identify irregularities and encourage the competent authorities to act, while suggesting ways in which they might act based on the whole picture.

Unfortunately, due to the inertia of the system, individuals have lost faith in the regular procedures of the relevant bodies and institutions. This leads them to develop a wrong perception of the work and competence of the Office, and so they resort to us for help which we are unable to provide, since it is not within our competence.

Therefore, we must repeat that all those who care for children and protect their rights must assume responsibility for assuring the efficient functioning of the entire system of protection of children's rights.