



REPUBLIC OF CROATIA
OMBUDSMAN FOR CHILDREN

Summary
REPORT ABOUT THE WORK OF THE
OMBUDSMAN FOR CHILDREN
FOR 2006

Zagreb, March 2007

1	INTRODUCTION	6
2	MONITORING VIOLATIONS OF INDIVIDUAL CHILDREN’S RIGHTS ...	7
2.1	Personal rights.....	7
2.2	The right to living with parents and parental care.....	7
2.3	The right to protection against violence.....	7
2.3.1	Violence in the family.....	8
2.3.2	Violence in educational institutions.....	9
2.3.3	Violence in homes	9
2.4	Children’s rights as members of society	9
2.5	Educational rights	Pogreška! Knjižna oznaka nije definirana.
2.6	Health rights	10
2.7	Economic and social rights.....	10
2.8	Cultural rights	11
2.9	Judicial-protective rights.....	11
2.10	Other rights	11
3	RECOMMENDATIONS OF MEASURES TO DEVELOP A COMPLETE SYSTEM FOR THE PROTECTION AND PROMOTION OF CHILDREN’S RIGHTS	12
3.1	Rights of children with difficulties in development	12
3.2	Rights of children who are members of national minorities.....	12
3.3	Rights of children involved in sports.....	13
3.4	Rights of children whose parents are in prison.....	13
3.5	Protection of economically exploited children	14

3.6	Protection of rights of child beggars.....	14
3.7	Protection and promotion of the rights of the child in the media	14
3.8	Protection of children in advertising.....	15
3.9	Protection of students and teachers.....	15
3.10	Health education and training	15
3.11	Pre-school training and education.....	16
3.12	Child protection through partnership with the Interior Ministry (Police).16	
3.13	Recommendations for the allocation of funds earmarked for children.....	17
3.14	Recommendations for data collection about children	17
3.15	The Convention on the Rights of the Child in Braille	18
3.16	Round table “Positive Contents for Children and about Children”	18
3.17	Realising maintenance rights through partnership with ‘HOK’.....	18
4	PARTICIPATING IN PUBLIC ACTIVITIES DIRECTED TOWARDS IMPROVING THE STATUS OF CHILDREN	19
4.1	Activitiy programme to prevent violence amongst children and youth .19	
4.2	Natioinal activity plan for the rights and interest of children 2006 – 2012.....	19
4.3	”Early childhood development and motivational parenting” programme	19
4.4	“Children in public welfare” project	19
4.5	“Child protection policies” project	20
4.6	“Unacompanied children, foreign citiezns in the Republic of Croatia” project	20
4.7	“Social Development Report – Croatia 2006”	20
4.8	“Protection of asylum seekers in the Republic of Croatia and surrounding region”	20

4.9	The Child slave trade.....	Pogreška! Knjižna oznaka nije definirana.
5	RECOMMENDATIONS OF MEASURES TO PREVENT DAMAGING EFFECTS THAT THREATEN CHILDREN’S INTERESTS	20
5.1	Recommendations for on-call court proceedings and resolution of family legal matters	21
5.2	Recommendations to advance child protection in distress proceedings	21
5.3	Recommendations concerning the sale of alcohol.....	21
5.4	Recommendations for child protection against dog attacks	21
5.5	Recommendations for child protection during teachers’ strikes	22
5.6	Recommendations for the realisation of rights for transport to primary schools	22
5.7	Recommendations to advertise and adjust data about the average needs of a child with regard to costs of living.....	22
5.8	Recommendations to advance child safety in social welfare homes.....	22
5.9	Recommendations aimed at decreasing the number of infant deaths	23
6	PARTICIPATION IN PREPARING NEW LEGISLATION	23
6.1	Crimes Law.....	23
6.2	Asylum Law	23
6.3	Arms Law	24
6.4	Legal Aid Law	24
6.5	Foreigners Law.....	24
6.6	Child Allowance Law.....	25
6.7	Family Law	25
7	VISTING CHILDREN WHO LIVE OR ARE TEMPORARILY OR PERMANENTLY PLACED WITH PHYSICAL PERSONS OR OTHER LEGAL SUBJECTS PRUSUANT TO SPECIAL REGULATIONS.....	25

7.1	Social welfare homes	25
7.2	Punitive institutions	25
7.2.1	Požega Educational Institute.....	26
7.2.2	Požega Women’s Penitentiary	26
8	OTHER ACTIVIES RELATED TO THE PROTECTION AND PROMOTIONS OF CHILDREN’S WELL BEING	26
8.1	Exposure and participation	26
8.2	Inter-institutional and other forms of co-operation	26
8.3	Co-operation with non-government and other organisations	26
8.4	Publishing and promotional activities	27
9	ENCOUNTERS, CO-OPERATION & OTHER CHILDREN’S ACTIVITIES.	27
10	INTERNATIONAL CO-OPERATION	27
11	STRUCTURE AND FINANCIAL BUSINESS OF THE OMBUDSMAN FOR CHILDREN’S OFFICE	28
11.1	Structure	27
11.2	Financial business	28
12	CONCLUSION	29

1 INTRODUCTION

This report about the work of the Ombudsman for Children for 2006 encompasses an evaluation of the level of protection of children's rights in the Republic of Croatia and a report of the work of the Ombudsman's Office for Children.

On 14 October 2005, the Croatian Sabor relieved the former Ombudsman for Children and her two deputies from office at their request and on 31 March 2006, the Sabor appointed Ms. Mila Jelavić, B.Llw as Ombudsman for Children. Deputy ombudsmen were appointed on 7 July 2006. These being Ms. Marija Gabelica Šupljia, Ma. Psych. and Ms. Lora Vidović, Ma.Llw.

Following the appointment of the Ombudsman measures were undertaken to resolve several unsolved cases that had been neglected due to the three month absence of any leadership or signatories on behalf of the Office. In April the Plan and Activities Programme for 2006 and 2007 was adopted. The future structure of the Office has been conceived in such a way that the Office would be expanded regionally in Split, Rijeka and Osijek with new regional offices where the Ombudsman's Office would consist of its own advisers as independent officers.

In 2006, 828 new cases were opened of which 405 related to individual claims of violation of children's rights and 423 concerned general matters. The number of individual claims was less than for the previous year when there were 416 however the number of proceedings grew because 231 cases were carried over from the previous period. With regard to instances of threats to children that required our action or concerning activities to promote children's rights, compared to the preceding period the Office worked more intensively on general matters. An entire series of activities, initiatives and recommendations were made or initiated in 2006 that are explained in more detail in this report.

We consider it to be exceptionally important to mention here the achievements and effects the Office had through participating in Sabor committees and active participation (through objections and recommendations) in the decision making process of new legislation relating to children. We are convinced that this practise should be continued in the future. All the more so as draft laws of amendments are generally not delivered to us by the relevant institutions.

As a body that can be of assistance to advancing relations between those who live and work with children and for children (families, institutions, the media, public services, government institutions and civil society), we are endeavouring to act as mediators within various systems that deal with realising children's rights. According to its legal framework and international recommendations, the Office is obliged to differentiate the needs and rights of children from those of adults and to offer particular attention to children's prospects and to conduct its work so that it is oriented primarily towards children and in that way, render children a priority.

2 MONITORING VIOLATIONS OF INDIVIDUAL CHILDREN'S RIGHTS

In 2006 the Office took action in a total of 636 individual claims of violation of rights (405 were registered claims and 231 were cases carried over from the preceding report period). The Office is approached every day by people over the phone and e-mail with an average of 20 enquiries per day.

2.1 PERSONAL RIGHTS

During this report period the Office received a total of 244 claims that related to violations of personal children's rights. The majority of these (120) related to violations of rights concerning protection against violence or neglect or violations of the right to living with parents and parental care (104 claims) and because of the large number of these types of violations, they were treated with special care. The remaining claims of personal violations related to child privacy, violations of rights relating to the welfare of children, violations of children's rights to see their grandparents, violations of rights to preserve a child's privacy, violations of the right to life, violations of rights to register the birth of a child and violations of rights to obtain citizenship.

2.2 THE RIGHT TO LIVING WITH PARENTS AND PARENTAL CARE

With the application of the new Family Law as of 1 January 2006, some authorities that had until then been in the jurisdiction of the centre for social welfare were transferred to the jurisdiction of the courts however, the most common complaints are still related to insufficient involvement of centres in determining the best interest of children, that is, their non-participation in court proceedings or to offer expert assistance relating to visiting rights for children with the other parent. During this report period the Ombudsman's Office investigated the numerous problems concerning the work of social welfare centres as well as the problems in the social welfare system in general, concerning protecting the rights and interests of children. In that regard, the Office made several recommendations to social welfare centres concerning further actions which on the most part were adopted.

Keeping in mind the difficulties that parents encounter in realising children's maintenance rights by the parent with whom the child does not live, the Office is preparing amendments for the Crimes Law where it recommended that the description of the crime meant that simply not satisfying the legal obligation to pay maintenance immediately incurs criminal liability. The Office also initiated steps with the Croatian Chamber of Law to ensure free legal aid for matters concerning children's maintenance rights.

2.3 THE RIGHT TO PROTECTION AGAINST VIOLENCE

In 2006, the Office received a total of 120 claims relating to violence against children. Of

the total number of claims received the majority related to violence in the family or violence in educational-training centres. Particular attention was dedicated by the Office to cases in children's homes due to the specific vulnerability of children under special care of the state. Concerning the protection of children against violence, the Ombudsman's Office still considers that adoption of a special Law on the Protection of Children against all forms of Violence to be particularly concerning. In a significant number of cases of children victims of violence by neighbours or other persons who are not members of the child's family where this act does not indicate any criminal behaviour, because of the absence of a special law, these cases are treated as violations against public peace and order. The adoption of special legislation for example, a Law on the Protection against Violence in the Family would treat all forms of violence against children as a special violation which would mean that children would be adequately protected in cases of damaging behaviour towards a child that does not specifically indicate criminal behaviour yet the protection of the child is vital. We also stress that until a special Law on the Protection of Children against Violence is adopted it is vital to amend the Law on Protection against Violence in the Family so that the circle of people that this law relates to includes those people who are in an amorous or sexual relationship that do not necessarily constitute living together. Namely, many adolescent relationships are filled with some form of violence and it is these cases in fact that are not recognised as cases of abuse and as a result the victim of this form of behaviour cannot be protected nor can the perpetrator be adequately penalised. We also consider that a national register of perpetrators of sexual violence against children should be established. The register would contain all offenders of sexual violence against children who would be obliged to register their place of residents within a set period upon the completion of criminal proceedings (for cases where imprisonment is not determined or a conditional sentence has been determined), that is, at the end of the prison sentence.

2.3.1 Violence in the family

In 2006, 44 claims were received of violations of rights relating to violence in the family or of cases of neglect involving a total of 86 children. As in most cases, clients object to the duration of court proceedings in cases of family violence. We submitted a recommendation to the Supreme Court of the Republic of Croatia stressing the need for urgency in all court proceedings involving children and in all cases concerning family violence as well as the need to determine measures of caution in criminal proceedings so that victims of family violence could be offered protection during the duration of proceedings. With the aim of efficiently protecting children who are victims of family violence the Ombudsman's Office pointed out the problem of violence against children and recommended amendments to the Crimes Law recommending harsher penalties. We also stressed the importance of extending statutory limitation for criminal acts committed to the detriment of children and youth seeing that penalties are relatively mild and statutory limitations are too short. With the Law on Amendments and Supplements to the Crimes Law sanctions were sharpened for crimes committed to the detriment of children and our initiative about extending the period of statutory limitation was accepted and this was regulated so that statutory limitation against prosecution for crimes committed to the

detriment of a child or minor does not come into effect until the child becomes an adult.

2.3.2 Violence in educational institutions

Even though the number of individual claims of violence in educational institutions is less in comparison to last year, current events in society and even headlines in the press confirm the continual occurrence of violent behaviour in kindergartens, primary and secondary schools. We recommend that the relevant bodies dedicate sufficient attention with regard to the problems of violence and in particular serious cases amongst children, to train special multi-disciplinary teams of experts who will effectively and continually resolve concrete cases.

2.3.3 Violence in homes

Children who are temporarily or permanently separated from their family and placed in a social welfare institution are an exceptionally vulnerable group. Children's homes are more frequently faced with and work with children and youth who have various complicated social, emotional and learning difficulties as well as behavioural disturbances and as a result violence in these homes is becoming more prevalent. Most often the perpetrators of violent acts are the wards themselves amongst their peers and their guardians.

2.4 CHILDREN'S RIGHTS AS MEMBERS OF SOCIETY

The Ombudsman for Children received only four complaints that broadly related to this category of rights. That however, by no means, means that children participate satisfactorily in decision making that relates to them. The Convention on the Rights of the Child determines that the opinion of the child should be taken into concern in keeping with their age and maturity. This principle needs to be implemented systematically wherever it relates to children. Participation has no effect if a child's opinion is considered lightly or ignored for whatever reason. We consider that it is necessary to invest a great deal more effort to make this right more available to children so that they can truly participate in their community.

2.5 EDUCATIONAL RIGHTS

Claims to the Ombudsman in this area related to the work of pre-school educational institutions and primary and secondary schools, the right to an early education and upbringing, the right to free and compulsory primary education under the same conditions for all children and the right to a secondary education in keeping with one's ability and opportunities. Spatial and personnel conditions for the work of educational centres are still not satisfactory. The new Regulation on Procedures to Determine Psychophysical Conditions of a Child that was supposed to regulate any unclearities in procedures to

determine the psycho-physical state of child prior to enrolling to school and during schooling and the Regulation on Evaluations, have still not been adopted even though they were announced in 2004.

We expect that the National Pedagogic Standard and the National Curriculum for Pre-School, Primary and Secondary Schools to be implemented with all its principles to protect a child's well-being and interests.

2.6 HEALTH RIGHTS

In 2006 the Ombudsman's Office received a total of ten complaints concerning violation of health rights of children which is 2% of the total number of cases received. In ten general cases, (relating to all children or the child portion of the population of Croatia), the Office has commenced proceedings or forwarded recommendations for the realisation of the best health interests of children.

Individual submissions to the Office and headlines, the following problems and needs relating to health rights of children are obvious: improving conditions to protect children in maternity hospitals, the importance of breast-feeding, separating children with jaundice from their mothers in maternity hospitals, inadequate "Happy Baby" packages, doctors' care and welfare of children suffering from cystic fibrosis, responsibility of doctors in cases of child deaths from meningococcal infections, danger to children with reference to detergent adds, healthy nutrition in kindergartens and schools, vegetarianism in childhood, anorexia, protection of child privacy during systematic medical examinations, neglect by doctors during medical care of children, health insurance for children not registered in the Book of Births, appointing a guardian in special cases relating to accompanying a child foreigner to the doctor's.

Health rights are an area of special interest for the Ombudsman's Office and often relates to the right to life, the right to preserving one's privacy, the right to living with parents and parental care, the right of children to participate, the right to freedom of information and to some social rights. As such, it is vital that, pursuant to this report, the relevant bodies and institutions begin to react preventatively and pro-actively in undertaking measures to protect children's health.

2.7 ECONOMIC AND SOCIAL RIGHTS

Violations of children's economic rights are usually a matter parents bring to the Ombudsman because they are unable to resolve their existential problems which of course makes their children victims. They expect some concrete assistance from the Ombudsman. However, the authorities of the Ombudsman, of course, does not allow decisions in this regard and all the Office can do is recommend to the relevant body concerned with decision making procedures, is that they take into consideration the principle of the best interest of the child which, according to the Convention on the Rights of the Child, must take priority in all actions that relate to children regardless of whether these be by public or private social welfare institutions, the courts, government or legislative bodies.

Unfortunately, families faced with poverty attempting to realise their social and material rights come to the Ombudsman not knowing of the Office's authorities and framework of procedures and come to it as a last resort where they believe their social needs will be satisfied. The Ombudsman's Office has in all these cases informed social welfare centres about each individual case which then can make a decision concerning the said rights.

2.8 CULTURAL RIGHTS

It is obvious that cultural and sporting contents are not, unfortunately, equally accessible to all children. Particularly concerning is the fact, as expressed in one of the said claims, that attempts are being made to limit children the right to organised recreation and other educational activities due to the lack of opportunity then to make a profit. The local community should be investing more effort to improve access to cultural and sporting contents for all children. It is a fact that children in rural centres have less access to cultural and sporting contents. The same can be said for children whose parents are of a poor economic status or children with difficulties in development. In large urban centres there is a deficiency of sporting grounds that are accessible to children in their free time.

2.9 JUDICIAL-PROTECTIVE RIGHTS

In 2006 the Ombudsman's Office received 17 individual claims of violations of judicial-protective rights of children. We are of the opinion that it is necessary to continually work on informing the public and relevant bodies and institutions about the rights of minors in police procedures and of the application of the Police Law which amongst else prescribes the obligation to approach a minor in the presence of his/her parents or guardian except in cases where due to exceptional circumstances or the urgency of procedures, this is not possible.

2.10 OTHER RIGHTS

Other violations of individual rights of children related to violations of the right to indiscriminate and the right of adoption, a child's right to being placed in a foster family and other rights pertaining to this and where certain claims to the Ombudsman's Office could not be categorised into any other category. In all these cases some concrete action was undertaken. The claim was either forwarded to the relevant body with a report requested of the action to be taken, or to advise and forward the claimant to other available means to protect the child's rights. Each of the claims received is an indicator of the problem that parents and other people caring for children are faced with who require a certain level of assistance in resolving these problems. The Ombudsman's Office concludes from these claims that it is necessary to systematically resolve them and continually advise of their existence.

3 RECOMMENDATIONS OF MEASURES TO DEVELOP A COMPLETE SYSTEM FOR THE PROTECTION AND PROMOTIONS OF CHILDREN'S RIGHTS

3.1 RIGHTS OF CHILDREN WITH DIFFICULTIES IN DEVELOPMENT

According to the Croatian Register of Invalids, there are 18,634 children with difficulties in development in Croatia.

A great number of parents with children with difficulties in development are not aware of their rights to exemptions and relief that they are entitled to. Public institutions should be preparing better and continual information and advice to beneficiaries advising them of their entitlements. During 2006, like in all other report periods, individual cases that approached the Office lodged complaints or objections concerning their ability to realise rights concerning education. In this report period, as well as the preceding period, the issue of the work of official evaluating bodies in procedures relating to social welfare and other rights pertaining to special regulations and in particular the issue of the content and work of the Evaluation Body of the First Instance (PTV). The largest number of complaints related to the lengthy proceedings in these cases and non-uniformed decisions concerning the type and level of difficulties in development at the national level. A problem exists too in the need to amend the Rules about the Content and Working Method of Evaluation Bodies in Procedures to Realise Social Welfare and other Rights Pertaining to Special Regulations. De-institutionalising children with difficulties in development must be a continuing imperative for all of society and particularly the relevant ministries. By re-organising existing resources, both financial and professional in addition to programmes of professional expert support for families with children with difficulties in development and improving specialised foster care, it is possible to take a positive step towards the final goal of the child living in the family. The Office fully supports full participation of children with difficulties in development

3.2 RIGHTS OF CHILDREN WHO ARE MEMBERS OF NATIONAL MINORITIES

In keeping with the Constitutional Law on Minority Rights, the Republic of Croatia guarantees the realisation of special rights and liberties to members of national minorities. The Ombudsman for Children does not keep official statistics of children belonging to national minorities when it comes to individual claims of the violation of rights because it works with the principle of equality and legality for all. Someone's nationality must not be a reason for privileged status nor discrimination.

Last year we witnessed several reports in the media about conflicts amongst students in various parts of the country that were allegedly due to national intolerance. The Office is concerned with the occurrence of these cases and the way they are portrayed in the media. We therefore monitored these events and they will be given special attention in the future as will focus on the relevant institutions in an effort to prevent any possible conflicts and to promote equality, multiculturalism and tolerance.

The Office took action on several individual incidences where the rights of Roma children had been violated. We paid special attention to the problem of the unresolved status of Roma children, the need to include these children in schooling, the problem of late or irregular payments of student scholarships, pre-arranged marriages of minors and cases of possible slave trade of children.

3.3 RIGHTS OF CHILDREN INVOLVED IN SPORTS

With regard to the issue of the violation of rights of children involved in sporting activities in various sporting clubs and school centres, we see that there is a vital need for further training of coaches as well as students at the Kinesiology Faculty about the rights and well being of children training or recreationally involved in sporting activities. Approval of a coaching licence should be conditioned with an evaluation of the competencies of working with children and youth and the introduction of supervision or co-ordination of coaches which could serve as a positive measure to relieve the consequences of crisis situations in sporting clubs, inter-ministerial co-operation and introducing measures that would be common to all alliances and sporting clubs. Because of its preventative and pro-active significance of sports at an early age, we expect support and co-operation from relevant individuals and bodies, sporting clubs and alliances, civil society, parents and primarily the participation of children – current and future young sports men and women.

3.4 RIGHTS OF CHILDREN WHOSE PARENTS ARE IN PRISON

Children whose parents are in prison are a particularly vulnerable group of children. Here, we are primarily referring to children who are born while their mothers are serving a prison sentence and can be with their mothers for the first three years and children where one or both parents are in jail and they have been placed in an institution, in a foster family, another member of the family or the other parent.

While inspecting the Požega Women's Penitentiary, the Ombudsman spoke with mothers whose children were with them in the maternity section. In 2007 the Office will take action concerning the problems noticed and other issues relating to the rights of children living in prison. We consider it particularly important to introduce paediatric supervision of the health of these children and their nutrition as well as establishing tight co-operation with kindergartens attended by these children and prison wardens to monitor the growth of the child who can live with its mother in the prison up to three years of age.

With regard to contacts between children and parents who are in prison or any other right of the child while the parent is in prison or with regard to children who live in prison with their mothers until the age of three, in 2006 the Office took action in 13 cases or offered advice over the phone. It is important to stress that the right of contact with parents in prison is primarily the right of the child. The manner and frequency of visits and encounters need to be determined to suit the best interest of the child. Concern needs to be taken here of the child's age, the type of offence committed by the parent, the family situation and the "strengths and potential" to care for the child within the family as well

as the readiness of the child and parent to meet.

3.5 PROTECTION OF ECONOMICALLY EXPLOITED CHILDREN

The Ombudsman Office for Children again this year participated in preparing the Annual Report on the Application of the Convention Concerning the Minimum Age for Admission to Employment and the Convention on the Elimination of Child Labour and the Convention on the Worst Forms of Child Labour for the International Labour Organisation which was co-ordinated by the Ministry of the Economy, Labour and Entrepreneurship responsible for monitoring and implementation of the said documents.

3.6 PROTECTION OF RIGHTS OF CHILD BEGGERS

Over the past few years we have noticed an increasing number of children begging in the streets and certain locations in larger cities. These children are being stripped of their right to healthy conditions for growth and the right to adequate parental care and after all, the right to life. The situation these children are faced with makes us question the true quality of their childhood and is surely one of the most difficult and harshest violations of a child's rights. As such the Office made a recommendation to the Interior Ministry and Ministry of Health and Social Welfare in which it once again emphasises the importance and urgency for good quality co-operation, particularly between the police and social welfare bodies as well as undertaking all legally available measures against adults who exploit these children in the most harshest way. In co-operation with the Interior Ministry, the office organised a meeting with representatives of the relevant bodies. The meeting dealt with the topic of "Protecting child beggars", which resulted in several recommendations amongst which a Protocol on Procedures by Relevant Bodies dealing with Child Beggars was adopted.

3.7 PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD IN THE MEDIA

In this year's report about the work of the Ombudsman Office for Children as well as in preceding reports we wish to stress the undoubted and significant educational, informative and entertaining role of the media, the power of the media to motivate humanitarian and pro-social behaviour and to point out the negative aspects in society as well as its influence on forming public opinion and placing personal, professional, social and political standards for the protection of children and their rights. Apart from that the media takes part and does a great deal so that children's rights are evident and given priority in society. However, based on information received by the Ombudsman and from individual claims, we need to stress the responsibility of the media concerning each individual child who is directly or indirectly part of a media presentation as well as the child who is an observer or user of some media content. In 2006 the Office recorded 29 individual cases that were presented in the media that were cases being processed by the

Office. These cases involved 47 children and dealt with various violations of children's rights.

The protection of children's rights including rights relating to the media are realised at four levels in the Ombudsman's Office: examining individual cases of threat or violation of the rights of the child; personal or telephone advice relating to protecting the rights and interest of the child; the general level that the Office acts in – usually pro-actively, preventatively, and educationally – of its own initiative or that of others with the aim of protecting as many children as possible; promoting children's rights in public and presenting the institution of the Ombudsman for Children via the media.

We are pleased to present a series of positive measures in this report of the reaction of the media or its co-operation with the Office to protect children's rights where editors of Internet portals, the press and television channels eliminated contentious contents and showed their awareness of negative contexts as well as their decisiveness not to repeat such circumstances.

3.8 PROTECTION OF CHILDREN IN ADVERTISING

The Ombudsman appealed to all interested factors in society – advertisers, the media, parents and others to do everything in their power to avoid any aggressiveness or negativity in advertising intended for children, not only in schools but in all places accessible to children.

While preparing the Consumer Protection Law the Ombudsman recommended that the Law be supplemented with provisions that guarantee adequate and all-encompassing protection of children against inappropriate advertising.

3.9 PROTECTION OF STUDENTS AND TEACHERS

We are concerned with the current reality of the amount of violence in schools and this motivated the Ombudsman to organise a meeting on the topic of "Protection of Students and Teachers in Schools". The meeting was held with representatives of the national Students' Council, Ministry of Science, Education and Sports, Croatian Teachers' Union, Independent Union of Secondary School Employees and the Committee for the Protection of the Dignity and Autonomy of the Profession and the Protection against all forms of Abuse of Employees in Secondary Schools of Croatia. Theories were suggested that contributed to the discussion why schools are more and more becoming a place where partner-like communication is not possible and why are they are the place where attention is focussed on violence and not on the process of education. Participants at the meeting accepted the Office's recommendations and confirmed their readiness to various forms of co-operation to resolve this problem with the aim of achieving a satisfactory level of protection of students and teachers in the school.

3.10 HEALTH EDUCATION AND TRAINING

Health education and training is an area of great interest for the Ombudsman's Office because through its purpose and presumed implementation all four categories of children's rights are represented (right to survival, developmental and protective rights and the right of participation). Since September 2006, the Office on several occasions requested the entire programme of health education and training from the Ministry of Science, Education and Sports which is being decided upon however, this was not delivered until January 2007. In the meantime the Ombudsman made a recommendation to the Ministry to organise a discussion about operational co-operation regarding current and future projects by the Ministry including health education which unfortunately, has not yet come to fruition.

It is exceptionally significant for the Office that children be involved in the decision-making process about health education and training and that the information they be given is correct, scientifically based and presented in a multi-disciplinary manner. Consequently and pursuant to the programme that the Minister adopted, the Office made its recommendations and opinions to the Minister after this report period (January 2007), concerning the health education programme.

The Office will continue, within its legal authorities and from the aspect of the interests and well being of children and youth to monitor any decisions relating to health education and training as well as the manner these are to be introduced and implemented in schools.

3.11 PRE-SCHOOL TRAINING AND EDUCATION

This area showed up the need to urgently adopt a new, or to supplement, the Law on Pre-School Education and Training; the adoption of qualified standards of the conditions and work in pre-school institutions and education and the relativity of these standards to the current practice in academic projects motivating early development and the highest demands to protect children. It would also be necessary to consider the existence and renewal of working licences for pre-school teachers and other employees in kindergartens. The Office also expects more intensive co-operation from the Ministry of Science, Education and Sports regarding the advancement of early development of children in Croatia which began at the initiative of the Office in 2004.

3.12 CHILD PROTECTION THROUGH PARTNERSHIP WITH THE INTERIOR MINISTRY (POLICE)

Based on the good level and motivating co-operation to date in 2006 the Ombudsman and Interior Minister agreed to a series of joint actions relating to protecting the rights and interests of children in Croatia. Future co-operation was agreed to with regard to violence against and amongst school children and children in homes, the safety of children in traffic, the danger of weapons, under age drivers and sporting fans, protecting unaccompanied children and children without adequate parental care, ingeneration zones and responsibilities. With regard to individual claims and cases the Office achieved a high level of co-operation with the Ministry at all its organisational levels, particularly with the Minor Delinquents Section either to obtain urgent reports or data requests or via

concrete agreements concerning concrete cases relating to child victims.

From the aspect of the Office and data available about jeopardised children in Croatia, we believe that it is necessary to continue this good co-operation between the Office and the Ministry and in this regard we support and consider it vital to employ more police officers who will be continually trained to work with children and to react to situations that may threaten their interests (additional psychological and communicational training).

3.13 RECOMMENDATIONS FOR THE ALLOCATION OF FUNDIGN EARMARKE FOR CHILDREN

The Office sent the Finance Ministry and State Treasury a request that all budget beneficiaries be advised of the recommendations by the UN Committee for the Rights of the Child concerning the distribution of funds for children and their allocation from the state budget (children's budget). We also recommended to the Ministry to co-ordinate activities so that budget beneficiaries be separately allocated data about funds earmarked for children at the national and local level. We also informed the President of the Croatian Sabor of the contents of our recommendations, the presidents of parliamentary committees and members of the Croatian Government. In its discussion of the draft budget for 2007, the Committee for Education and Training, Science and Culture ascertained the objections and recommendations made by the Ombudsman regarding the draft forecasted budget for 2008 and 2009, to be justified and that these funds should definitely be presented with a separate methodology which however was not implemented in the budget documents for 2007. This process however, should be accepted as soon as possible. In 2006 the Finance Ministry indicated that it was not responsible to oblige budget beneficiaries to plan certain activities including activities for children. In that regard, we believe that pursuant to the authorities determined in the National Plan, an inter-portfolio working group to prepare the Third and Fourth Reports to the UN Committee, needs to urgently prepare the methodology to prepare reports and resource planning earmarked for children in the state budget and local and regional government unit budgets and their allocation.

3.14 RECOMMENDATION FOR DATA COLLECTION ABOUT CHILDREN

Pursuant to the Law on official Statistics, the Office advised the Croatian Sabor and the State Institute of Statistics about the UN recommendations for the rights of the child that related to the chapter on data collection. The State Statistics Institute advised us that it can offer us all the available statistical-methodological know how required but that it cannot be the owner or carrier of such a data base. We believe, that pursuant to the authorities determined by the National Plan the inter-portfolio working to prepare the Third and Fourth Reports to the UN Committee, should urgently prepare the methodology to prepare the report and to co-ordinate the method of preparing a data base and to guarantee access to specific data.

3.15 THE CONVENTION ON THE RIGHTS OF THE CHILD TO BRAILLE

In June 2006, the Office completed two important projects, these being to print the Convention on the Rights of the Child in Braille and to record a sound recording of the text of the Convention making it available to the blind and poor of sight children, children who do not know how to read as well as blind and poor-sighted parents with minor children.

Students of the *Vinko Bek* primary school prepared a presentation of the Convention of the Right of the Child in Braille at the Typhlology Museum in Zagreb. The Convention was printed in 500 copies and 1000 copies of the sound recording were made and distributed free of charge to associations, education centres, libraries and individuals so that it could be accessible to as many children as possible.

3.16 ROUND TABLE “POSITIVE CONTENTS FOR CHILDREN AND ABOUT CHILDREN”

The Office took part in commemorating the International Children’s Day and on that occasion organised a round table on the topic of “Positive Contents for Children and about Children”. The purpose of the round table was to motivate participants to think about how positive content for children and about children can be more present in the media, children’s literature and text books, in education work and elsewhere. Namely, some psychological research indicates that exposure to pro-social/positive content can effectively and efficiently create pro-social behaviour in comparison to exposure to violence, aggressive and negative content which influenced children to unacceptable behaviour. However, positive content directed to children is fairly poorly accessible or not existent at all.

3.17 REALISING MAINTENANCE RIGHTS THROUGH PARTNERSHIP WITH THE CROATIAN CHAMBER OF LAW (HOK)

Faced with the problem of a large number of children who cannot realise their maintenance rights from parents whom they do not live with we recommended to the Croatian Chamber of Law that in the aim of helping to protect the interests of children in maintenance cases that they participate in the project to offer free legal aid and in that way, help contribute to efforts for these children to realise their maintenance rights from parents who do not meet their obligations. HOK’s response was to adopt a decision to offer free legal aid to any child on whose behalf an individual claim for maintenance was being processed, was seeking increased maintenance or distress, regardless of the material status of the parent the child lived with and their income. This decision was well accepted by the profession and the wider public and in particular those people who require these services.

4 PARTICIPATING IN PUBLIC ACTIVITIES DIRECTED TOWARDS IMPROVING THE STATUS OF CHILDREN

4.1 ACTIVITY PROGRAMME TO PREVENT VIOLENCE AMONGST CHILDREN AND YOUTH

The Office continually monitored the implementation of the Activity Programme to Prevent Violence amongst Children and Youth during this report period which is described in more detail in the chapter referring to education.

4.2 NATIONAL ACTIVITY PLAN FOR THE RIGHTS AND INTEREST OF CHILDREN 2006 - 2012

The Office was actively involved in proposing measures, activities and implementation indicators. During procedures to conform texts in documents several recommendations were adopted that were made by the Office and the National Activity Plan was amended accordingly. We consider it particularly important that recommendations in the field of education were adopted regarding the importance of developing contemporary pedagogic teaching methods, particularly at under graduate and graduate studies and supplementing them with additional content in pedagogic upbringing and in programmes of psychological pedagogic training of teachers which were added to the implementation indicators.

4.3 “EARLY CHILDHOOD DEVELOPMENT AND MOTIVATIONAL PARENTING” PROGRAMME

As the Office has been interested from the start to advance early development in Croatia and to motivate the development of the youngest children it readily accepted participation in this UNICEF programme: “Early childhood development and motivational parenting” and the “First three years are the most important” campaign offering support for the objectives and planned results and participating in implementing these programmes.

4.4 “CHILDREN IN PUBLIC WELFARE” PROJECT

The implementation of the “Children in Public Welfare” programme aims at increasing intervention by social welfare centres in biological families before it is determined to separate the child from the family. These interventions could recognise which families offer potential for the child to be returned and work with them would be intensified to correct any mistakes by actively implementing supervision over their parenting and in that way prevent unnecessarily separating the child from the family and placing it in a home. The Office is an active participant in implementing this programme.

4.5 “CHILD PROTECTION POLICIES” PROJECT

The Office participated in a pilot project entitled “Child Protection Policies” which includes children aged 18 or more who live in SOS youth villages; SOS employees who work directly with children, partner organisations and external associates and advisers as well as the work of the SOS focus group – the Ladimirevci SOS Children’s Village.

4.6 UNACOMPANIED CHILDREN, FOREIGN CITIZENS IN THE REPUBLIC OF CROATIA” PROJECT

At the initiative of UNHCR representatives in Croatia, the Office organised a meeting where it was agreed to launch a joint project to prepare a unique instrument that would be applied to unaccompanied children foreigners located in the Republic of Croatia without a legal guardian. Further education would include judges, social welfare employees and the police.

Discussions were held about unaccompanied children in Europe at the annual Conference of European Network of Ombudsman for Children (ENOC) in September in Athens. The Croatian Ombudsman actively participated in the discussion.

4.7 “SOCIAL DEVELOPMENT REPORT – CROATIA 2006”

The Office participated in preparing a report about social development in Croatia for 2006, offering any available information and data for the “Un-networked: the faces of social exclusiveness in Croatia”, and primarily on the chapter dealing with “Poverty and Well Being of Children”.

4.8 “PROTECTION OF ASYLUM SEEKERS IN THE REPUBLIC OF CROATIA AND SURROUNDING REGION”

Delegates from the Ombudsman’s Office participated in the project “Protection of Asylum Seekers in the Republic of Croatia and Surrounding Region”, under the auspices of the Croatian Legal Centre and which is being implemented with the support of the UNHCR and the European Commission.

4.9 TRAFFICKING IN CHILDREN

With the aim of realising children’s rights in Croatia the Ombudsman monitors measures and activities of the relevant bodies relating to combating the slave trade of children.

Within the framework of monitoring this problem and with the aim of raising awareness of the dangers of the slave trade of children particularly risk groups such as Roma children, the Office actively participated at a round table held in Čakovec and Zagreb with the topic “Stop the Trafficking in Children”, organised by the *Romi* Roma association.

5 RECOMMENDATIONS OF MEASURES TO PREVENT DAMAGING EFFECTS THAT THREATEN THE RIGHTS AND INTERESTS OF THE

CHILD

5.1 RECOMMENDATIONS FOR ON-CALL COURT PROCEEDINGS AND URGENT RESOLUTION OF FAMILY LAW MATTERS

According to the Family Law of 1 January 2006, proceedings concerning protection of family law matters are in the jurisdiction of the courts and the Law prescribes urgency implying the need for 24 hour on call services of the courts. As far as the Office is aware, until now, with the exception of a few, this has not been organised. It is vitally important to ensure on call services with the relevant courts outside working hours and weekends and holidays because as experience has shown to date, it is a fact that on these days family legal matters arise and escalate which just indicates the need for their urgent resolution. In this regard, a recommendation was made to the Justice Ministry and Supreme Court to organise on call court services for matters of family law and we pointed out the need for the urgent resolution in all court proceedings in the field of family violence and the significance of passing cautionary measures in criminal proceedings so that victims of family violence can be protected during the duration of the proceedings.

5.2 RECOMMENDATIONS TO ADVANCE THE PROTECTION OF CHILDREN IN DISTRESS MATTERS

The Office made a recommendation to the Justice Ministry, Ministry of Health and Social Welfare, Interior Ministry and Ministry of Science, Education and Sports that a combined working group be established that would determine directives for common co-operation and conformity in their actions so that this serious problem can be resolved with joint efforts and so that all the participants are informed of their obligations and authorities in a timely manner to implement distress decisions for the purpose of handing the child over to the parent it will live with and for the realisation of visiting rights of the child's parents.

5.3 RECOMMENDATION CONCERNING THE SALE OF ALCOHOL

The Office submitted a recommendation to the State Inspectorate to actively implement the Laws under its jurisdiction. Easy access by children to alcohol in stores is concerning and raises the question of the effectiveness of the Law, the quality of inspections conducted and the responsibility of the media which sends messages to children and youth over the television or in films, that it is acceptable to drink alcohol.

5.4 RECOMMENDATION FOR THE PROTECTION OF CHILDREN AGAINST DOG ATTACKS

A recommendation was made to the Ministry of Agriculture, Forestry and Water Management to monitor the implementation of the law and act primarily with the owners of dogs to take adequate care of their pets so that the number of accidents where children are the victims of dog attacks can be diminished as much as possible.

5.5 RECOMMENDATION TO PROTECT CHILDREN DURING TEACHERS' STRIKES

Motivated by numerous enquiries by parents and the announcement of three unions in the field of education advising the public that they were going to strike as of 22 November 2006, the Office forwarded its opinion and recommendations to the Ministry of Science, Education and Sports, the Croatian Teachers' Union and the Independent Union of Employees in Secondary Schools about the issue of strikes in schools.

5.6 RECOMMENDATIONS TO REALISE RIGHTS TO TRANSPORT TO PRIMARY SCHOOLS

We made a recommendation to the Ministry of Science, Education and Sports that within its jurisdiction it determines the true situation concerning organised transport of students to primary school in the entire country and to undertake measures which will offer systematic and the best possible way of guaranteeing this transport. We also asked that within its authority and in wake of announcements of free secondary school education, that it undertakes measures by which the right to free secondary education will be made available to all students.

5.7 RECOMMENDATION TO ANNOUNCE AND ADJUST DATA ABOUT THE AVERAGE NEEDS OF THE CHILD WITH REGARD TO THE COST OF LIVING

Pursuant to the Family Law the relevant minister for judiciary matters is obliged once a year to announce data about the average needs of the child with regard to the cost of living which that court, in keeping with the provisions of the Family Law, will take into account when determining the amount required for maintenance. The Office sent a recommendation to the Justice Ministry to announce the said data keeping in mind the norm about the need to advise data about the average need of the child that is adjusted to the cost of living each year. The Justice Ministry released new data unfortunately however, even though we recommended as such, the data did not take consideration of the norms set in the Family Law to adjust data to the cost of living. We are of the opinion that data about the average needs of the child needs to be related to the increase in the cost of living independent of the criteria by which social welfare rights are determined. All the more so, we believe that it is necessary to take consideration of criteria to realise social welfare rights that have not changed since 2002 and to adjust these to the real increase in the cost of living.

5.8 RECOMMENDATION TO ADVANCE THE SAFETY OF CHILDREN PLACED

IN SOCIAL WELFARE HOMES

In response to the murder and suicide that occurred in the children's home in Zagreb, the Ombudsman organised a meeting with representatives of the Ministry of Health and Social Welfare, Interior Ministry, Justice Ministry and County State Attorney's Office. Letters of recommendation were also sent to the Interior Ministry and Ministry of Health and Social Welfare which recommended that in the safety of children placed in homes and institutions that they be guaranteed complete protection with the introduction of video surveillance and security services in civilian clothing which will not be overbearing for children and would ensure a safe place for children to live in. We also recommended that during the weekend when visits to children were more intense, that police surveillance be increased.

5.9 RECOMMENDATION WITH THE AIM OF DECREASING THE NUMBER OF INFANT DEATHS

In response to the case of the discovery of a dead infant, the office recommended to the Ministry of Health and Social Welfare and Ministry of the Family, Veterans Affairs and Inter-generational Solidarity, calling for the urgent realisation of measures prescribed in the National Activity Plan for the well-being, rights and interest of children 2006 – 2012, with the aim of decreasing the number of infant deaths.

6 PARTICIPATION IN DECISION MAKING PROCEDURES

6.1 CRIMES LAW

With his suggestions, opinions and recommendations the Ombudsman's Office participated in the decision making process for the Law on the Amendments and Supplements to the Crimes Law. Recommendations were made for amendments to sharpen penalties for acts committed at the detriment of children, recommendations were made to change the issue of the statute of limitation for crimes committed at the detriment of children, to distinguish when a criminal act is committed against a minor or child, increasing penalties concerning maintenance obligations, expanding legal liability for cases that are treated in civil matters and to sharpen penalties for responsibilities in cases of exposing personal or family circumstances of the child. Some recommendations made by the Ombudsman were accepted partially or entirely such as the recommendation to sharpen penalties for acts committed at the detriment of the child or minor until maturity unfortunately however, recommendations relating to violations of maintenance rights and exposure of personal or family circumstances were not accepted.

6.2 THE LAW ON ASYLUM

In the process of adopting the Law on Asylum the Ombudsman made a recommendation to the Interior Ministry to amend several provisions of the draft Law on Asylum. We believed that the terminology of the draft Law on Asylum needed to be conformed to the Convention of the Rights of the Child. We recommended that children seeking asylum and children under temporary care, be entitled to health insurance to the same scope as other beneficiaries of compulsory health insurance and that the list of data be expanded and that data concerning children seeking asylum be specially processed and for children under temporary care and all the relevant circumstances concerning their status in the Republic of Croatia.

6.3 THE WEAPONS LAW

During the process of adopting the Weapons Law the Office forwarded its opinion and recommendations concerning the Law recommending that provisions be included that would prescribe restrictive conditions to obtain a licence to carry a weapon as well as harsher penalties for illegal possession of weapons. We also pointed out that the law should prescribe the obligation of other doctors, in addition to general practitioners, who become aware of changes to physical health of a person who could pose a risk if permitted to carry a weapon or may potentially misuse the weapon – to immediately advise the relevant body and that the punishment for illegal supply, possession or carrying a weapons should be expanded maximally while the period fro the validity of a weapon's licence should be shortened to three years instead of the proposed five. Recommendations made by the Ombudsman were adopted but only the recommendation to determine the obligation of the Interior Ministry to prescribe procedures by a special regulation about the procedures and manner to check the conditions citizens are required to meet to be approved a licence to supply a weapon and in that way, to clearly prescribe exactly what disturbed family relations are and who and on what basis such an evaluation of disturbed family relations is made.

6.4 LAW ON LEGAL AID

The Justice Ministry was submitted with a recommendation the Law on Legal Aid include unaccompanied children located in the Republic of Croatia in its circle of persons eligible for this right as well as children involved in maintenance proceedings.

6.5 THE LAW ON FOREIGNERS

During procedures to prepare the draft Law on Foreigners the Ombudsman made several recommendations of a nomotechnical nature and forwarded several recommendations for amendments to the Law. Seeing that children who are victims of the slave trade or have been abandoned, or are victims of organised crime or for some other reason have been left without parental care, guardianship or are unaccompanied, need to be protected maximally, the Ombudsman's recommendation for amendments to the Law on Foreigners were directed towards this objective.

6.6 LAW ON CHILD ALLOWANCE

We believe it to be necessary to increase the number of children to be recognised to enjoy the right to the standard of living. In 2006 then we supported the Croatian Government's proposal to amend the Child Allowance Law and to increase the number of children who are eligible for child allowance. We believe that it is vital to change existing legislation with reference so that child allowance is recognised for grandchildren and other children being maintained in cases where the children have been taken away from their parents. As such we recommended that the Government amend existing legislation in this regard. We are not aware of the reason why our recommendation for these amendments was not adopted however we still consider that these amendments should be built into the legislation which would raise the level of children's rights.

6.7 FAMILY LAW

We forwarded a recommendation to the Croatian Government to amend the Family Law so that distress proceedings for maintenance cases be prescribed by the Family Law giving absolute priority of payment in comparison to other liabilities of the person responsible for maintenance may have.

7 VISITING CHILDREN WHO LIVE OR ARE TEMPORARILY PLACED WITH PHYSICAL OR LEGAL PERSONS OR OTHER LEGAL SUBJECTS PURSUANT TO SPECIAL REGULATIONS

7.1 SOCIAL WELFARE HOMES

Pursuant to the Law on the Ombudsman for Children, we visited the following institutions (children's homes for children without adequate parental care and homes for children and youth with disturbed behaviour): Children's Home in Zagreb in Nazorova and its branch in Laduč; the children's home for young adults in Maslina, Dubrovnik; SOS-Children's village Lekenik; SOS-Children's village Ladimirevci; children's home Klasje, Osijek; Sv. Ana's children's home, Vinkovci; children's home Osijek and the Breza Housing Community in Čepinski Martinci.

7.2 PENETIANTERIES

7.2.1 Požega Educational Institute

The Ombudsman and her deputies visited the Požega Educational Institute the only such institution in Croatia for minor girls. On that occasion we visited the living area and spoke to interns and with professional staff at the institute.

7.2.2 Požega Women's Penitentiary

As part of our inspection of the Požega Women's Penitentiary we conducted talks with professional staff at the Penitentiary and visited the maternity section. Apart from that we spoke to some of the wards who had approached the Office prior to our visit. More about this problem is described in the section about the rights of children living with their parents in jail.

8 OTHER ACTIVITIES RELATED TO THE PROTECTION AND PROMOTION OF CHILDREN'S WELL BEING

8.1 EXPOSURE AND PARTICIPATION

In 2006, the Ombudsman and associates realised a series of activities directed to protecting and promoting the rights and well being of children. Exposure and participation at various conferences and press releases in magazines were released grouped in reports covering five main topics: violence, abuse and neglect; family-law protection; children with difficulties in development; legislature and the law; promoting rights and educating about rights and protection of children.

8.2 INTER-INSTITUTIONAL AND OTHER CO-OPERATION

Co-operation between the Ombudsman and other institutions, bodies, association and non-government organisations is an extremely significant segment of the Office's activities and all the aim of developing a complete system of protection and promotion of the rights and interest of the child and to prevent damaging effects that threaten their rights and interests. Without adequate co-operation with all factors in society directed towards protecting and advancing the rights and interests of children, progress in this area would not be possible to achieve. Inter-institutional co-operation is part of the every day activities conducted by the Ombudsman for Children's Office.

8.3 CO-OPERATION WITH NON-GOVERNMENT AND OTHER ORGANISATIONS

The significance of non-government organisations and government bodies is unquestionable and it is exceptionally important for the implementation of numerous projects aimed at advancing the position of children in society and to improve protection of their rights and interests. Joint actions are vital from the aspect of respecting the

principle of the best interest of the child as an obligation set by the Convention on the Rights of the Child. As the Ombudsman has the authority to recommend measures to develop an entire system of protection and promotion of the rights and interest of children that co-operation with civil society organisations is an exceptionally important segment of our every day activities.

8.4 PUBLISHING AND PROMOTIONAL ACTIVITIES

In 2006 we printed a booklet containing the Convention on the Rights of the Child and the Law on the Ombudsman for Children in its integral version but in a language that can be fathomed by children. We also printed the Convention in Braille and recorded a sound recording of the Convention in terms that can be easily understood by children. As part of our own promotional activities, that is, printing promotional material, we printed several posters displaying the four rights stipulated by the Convention on the Rights of the Child. We also printed note books with the same message, wall and pocket calendars, manila folders, carry bags, colouring books, greeting cards and invitations and all displaying children's rights.

9 ENCOUNTERS, CO-OPERATION AND OTHER CHILDREN'S ACTIVITIES

Pursuant to the Law on the Ombudsman for Children, the Ombudsman informs and advises children about the way they can realise or protect their rights and interests and in this regard co-operation with children is extremely important to motivate them to express their opinions and have them taken into concern. This is realised through direct contact or via written material, on our Web site (www.dijete.hr) and through messages sent via the media directed to children.

The Office has noticed that children rarely report violations of their rights. In order for the Ombudsman to be a better spokesperson on behalf of children, these encounters with children are of great value and this year similar encounters were organised in the Office, schools, camps, social welfare homes and penitentiaries. Children and youth were invited to summer camps, debating societies, student councils, national minority associations, city councils and children's hospitals. It is very important to hear what a large number of children think about certain topics and so questions of this nature are posed during personal contacts and through questionnaires and surveys.

10 INTERNATIONAL CO-OPERATION

International co-operation with the Office was conducted on several levels. Above all this co-operation was conducted with active participation in the European network of ombudsman for children (ENOC) as well as participation of the Ombudsman and her associates at international conferences related to the protection and promotion of the rights and interest of children and finally, at meetings with non-government organisations and representatives of international institutions at the Ombudsman for Children's Office.

11 STRUCTURE AND FINANCIAL BUSINESS OF THE OMBUDSMAN FOR CHILDREN'S OFFICE

11.1 STRUCTURE

From 14 October 2005 to 31 March 2006, the Ombudsman for Children's Office functioned without a director due the resignation of the previous Ombudsman and daily written communication with clients was not possible. Procedures to appoint a new ombudsman were finalised on 31 March 2006 and the new ombudsman took office on 1 April 2006 which meant the Office could once again function normally. In July 2006 the Croatian Sabor appointed two deputy ombudsmen.

In April 2006, the Programme and Plan of the Ombudsman's Office for Children for 2006 and 2007 was adopted which outlined the future structure and functioning of the Office so that it be expanded regionally by opening offices in three Croatian cities which would enable the Office to have its own independent advisors and officers. New regulations were adopted about the internal order of the Office as was the Plan for Public Procurement and the Plan for Further Training of Employees. In co-operation with the Croatian State Archives, new regulations were adopted to protect archival and registry material with special regulations concerning material from the Ombudsman's Office outlining the statutory limitations to keep these documents. In December 2006 a catalogue of information was set up containing information owned, managed or supervised by the Office with the aim of realising the right to access information pursuant to the Law on the Right to Access Information. In September 2006 procedures continued to employ new staff and a public advertisement was released to employ five government officers with tertiary qualifications. On 31 December 2006 the Ombudsman's Office consisted of 7 officers and 3 officials.

11.2 FINANCIAL BUSINESS

The Budget Plan for the Ombudsman's Office for 2006 amounted to 3,048,200.00 kuna. Amendments and Supplements to the Croatian State Budget for 2006 decreased funding for the Office in July by 200,000.00 kuna and amounted to 2,848,200.00 kuna. In addition to the decrease in July and December 2006 the Office was given approval to redistribute its funding appropriately in keeping with the needs of the Programme and Working Plan of the Office.

A comparison of data about the execution of the State Budget for that year compared to 2005 leads to the conclusion that expenditure was in line with the Plan. Namely, compared to last year when the index of expenditure was 81.9% in 2005, in 2006 this rate was 95.7%.

12 CONCLUSION

Positive progress has been made in the field of protecting and promoting the rights of children particularly in setting up legal order in some areas and raising awareness in public about the needs and rights of children. However, there is still an entire series of problems and difficulties that exist and need to be highlighted so that we can achieve an adequate level of protection of children's rights.

During this report period we witnessed numerous and various forms of violations of children's rights ranging from those that threaten the elementary rights of life without violence to those that do not allow full participation of children in society. Furthermore we are concerned that violence in society in all its forms, often in fact involves children which endangers their right to adequate care either by their parents in the family home or institutional and foster care; that children experience injustice in the education system; that their rights are quashed in many other facets of their lives despite these being guaranteed by various regulations.

In trying to realise individual children's rights citizens continually lodge complaints about the inadequate involvement of social welfare centres in proceedings to realise parental care; their inadequate involvement in court proceedings; inadequate involvement in establishing parental co-operation or inadequate help to parents trying to realise maintenance rights. We do not wish to make any generalisations but feel that the picture being created about the work of social welfare centres despite changes to jurisdiction and them still having a significant role in protecting the rights of children, often an image is created upon the basis of individuals who due to various objective and subjective reasons do not conduct their duties professionally. We need to point out once again that there is a lack of qualified staff at social welfare centres and other institutions involved in direct child care but in the relevant ministry too with insufficient training, supervision and professional support yet they are involved with an exceptionally difficult issue.

The level of protection of children's rights is seriously thwarted with the lengthy duration of court proceedings concerned with deciding about a child's rights whether these be cases of protecting children against violence, deciding which parent the child is going to live with or to realise visiting rights with the parent the child does not live with. The problem of violence in society on the whole and particularly violence against children needs to be resolved systematically by building a complete system of protection and involving efficient co-ordination of all the relevant bodies that until now, with a few rare exceptions, does not exist to any great measure.

When referring to education, personnel and spatial conditions that are a precondition to realising quality work in educational institutions and where more than 600,000 children spend most of their day are unfortunately still so poor that they do not contribute to protecting children's rights to the level that we would like. The right to early childhood education, the right to free and compulsory primary education under the same conditions for all children, the right to a secondary education in keeping with one's abilities and opportunities and the right to an education in a non-violent surrounding are still often the

subject of many of the complaints received by the Office. We made a recommendation to the Ministry of Science, Education and Sports that drafts of important documents concerning the future of children and their well being that are to be debated in the Croatian Sabor: the National Pedagogic Standard and the National Curriculum for Pre-School, Primary and Secondary Schools include the principle to protect the well being and interests of the child in keeping with the Convention on the Rights of the Child.

In the field of health which we consider to be a series and inadequately treated problem, we noticed health and other risks that children are exposed to due to unhealthy nutrition in the family, kindergartens and schools. Prevention directed to decreasing the problem of food disturbances are considered to be vital because we can assume an increased number of illnesses which is evident in world trends. Informing the public about various illnesses relating to individual cases of death (e.g. meningococcal infections) can certainly raise generalised fear in public. Once again we call upon those in responsibility to guarantee special capacities at psychiatric hospitals for children with associated disturbances particularly institutional care with children with related disturbances.

The violation of economic and social rights of children are mostly brought to the attention of the Ombudsman by their parents who, because they are unable to resolve their existential problems where their children too are the victims, and who usually expect some concrete assistance. However, the authorities of the Ombudsman, of course, does not allow any decision in this regard and all we can do is to make a recommendation to the relevant bodies involved in making any decisions concerning these cases, to take into consideration the principle of the best interest of the child which according to the Convention of the Rights of the Child must take priority over all other actions that relate to children be they public or private social welfare institutions, the courts, government offices or legislative bodies. Unfortunately, a family faced with poverty trying to realise its social and material rights comes to the Ombudsman out of lack of knowledge and sees this as a last resort where they believe they will be able to realise their social needs. In all these cases the Office advised the social welfare centre under whose jurisdiction the family belonged and which is authorised to deal with such matters.

The principle of the Convention that the opinion of children be taken into consideration in keeping with their age and maturity needs to be implemented systematically in all activities relating to children. The principle of participation has no meaning if the opinion of the child is taken lightly or not taken into concern for whatever reason. We believe that it is necessary to invest a great deal more effort to bring this right closer to children so that they can truly participate in their communities.

Cultural and sporting activities are unfortunately not equally accessible to all children. It is particularly concerning to hear that attempts are being made to limit children's rights to organised recreational activities and other educational and sporting activities because these do not make a profit. We believe that this should be discouraged and that this responsibility lies mostly with the local community. Apart from that the local community should invest more effort into making cultural and sporting content accessible to all children because it is a fact that children in rural centres have less access to these which is

also true of children whose parents are of a lower economic status and children with difficulties in development.

We believe that it is necessary to continually inform the public and relevant bodies and institutions of the rights of minors in police procedures and the use of the Police Law which amongst else prescribes that proceedings involving a minor must be conducted in the presence of parents or carers unless special circumstances or urgency do not allow this.

We believe that it is vital to highlight the successful and concrete co-operation realised between the Ombudsman's Office and the Interior Ministry, the Croatian Chamber of Law and the Croatian Sabor's working bodies. This co-operation has led to concrete measures and significant achievements in child protection.

The real and sustainable advancement of the status of children in society is a long process and can only be achieved with true and dedicated co-operation of all relevant subjects and individuals. Good legislative regulations form only the basis which serves to build a system of implementation to efficiently protect the rights and interest of children.

The Ombudsman for Children is frequently put under pressure in regard to its objective actions due to obligations and priorities to protect the rights and interests of children and not adult individuals or groups. The most varying groups of people, often with opposite attitudes question the work of the Ombudsman in public and demand her replacement if their attitudes do not coincide and call for responsibility due to an expressed opinion or action that may have been taken on behalf of children within the framework of the law and jurisdiction of its work.

The UN Committee's recommendation for the right of the child emphasises that the work of ombudsmans for children and their reports must contain elements of supervision and critical evaluation with regard to the actions of relevant bodies in applying the Convention.

It is for this reason in fact that the Ombudsman for Children, as a safeguard and spokesperson for children has prepared this report about her work in an attempt to point out all those areas where children's rights are violated or are not realised to a satisfactory level and calls upon all those responsible to implement and realise the protection of children's rights and to adopt the objections and recommendations set forth in this report and in that regard undertake the measures and activities prescribed so that all children without exception may be given a chance to develop their full potential.