

REPUBLIC OF CROATIA
OMBUDSMAN FOR CHILDREN

NATIONAL ANNUAL UPDATE
ATHENS, 2006.



Republic of Croatia
Ombudsman for Children

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Title of Ombudsman: Pravobraniteljica za djecu

Name of Ombudsman: Mrs. Mila Jelavić

Name of contact person for ENOC: Mrs. Lora Vidović /Mrs. Tatjana Opačak

HISTORY AND THE PRESENT STATE OF THE OFFICE

The Act on the Ombudsperson for Children entered into force in June 2003 and established a special and supervisory body as an institution *sui generis* with the task of protecting, monitoring and promoting the rights and interests of children based on the CRC and other international documents, Constitution and laws. Once a year, the Ombudsperson for Children submits an annual report on his/her activities to the Croatian Parliament.

The first report on the work of the Ombudsman for Children for the period from 25 September to 31 December 2003 was accepted by the Croatian National Parliament on 30 April 2004. The second report on its work was accepted by the Croatian National Parliament on 1 June 2005.

The Croatian National Parliament acquitted of duty on 14 October 2004 the former Ombudsman for Children and her two deputies at their own request and the new Ombudsman for Children was not appointed prior to 31 March 2006, the deadline for submission of the annual report to the Croatian National Parliament. The report for the year 2005, according to the Law on the Ombudsman for Children, therefore could not be submitted in the usual procedure due to the circumstances of the acquittal of duty of the former Ombudsman and her deputies.

The staff members of the Ombudsman for Children's Office in compliance with their professional code of ethics, with the aim of familiarising the competent bodies with their methods of work and the subjects their Office was engaged in, prepared an Information Notice on the work of the Ombudsman for Children's Office in the year 2005.

The Information on the work of the Ombudsman for Children's Office in the year 2005 offers a review of the work of the Ombudsman for Children's Office for the period from 1 January to 31 December 2005. It also gives insight into the Office's activities (data, its professional stands and recommendations regarding specific consultation enquiries with the Office and regarding the Office's initiatives) and the Ombudsman's stands prior to the date of her acquittal (14 October 2005), as well as the work of the staff members of the Ombudsman for Children's Office for the whole year of 2005.

The Croatian National Parliament has at its 19th session held on 31 March 2006 appointed Mrs. Jelavić as the Ombudsman for Children. She holds a Bachelor's degree in Law and records 23 years of service, with the entire work to date dealing with the protection of children's and family rights, as well as the rights of persons incapable of work.

Upon her appointment the Ombudsman for Children, together with her advisors, drew up a plan of future activities and concrete actions of the Office.

The first tasks concerned the field of child protection with regard to the earlier Office data, indicating the greatest and most current problems to be: violence against children at home, at school and in children's homes, children being jeopardized with regard to parental care and finally, the difficulties and living conditions in which special needs children grow and live. The Office set up high standards of child protection and has the intention of further promoting them.

Concerning the previous methods of work, the concept has been changed to an extent, defining the role of the Ombudsman for Children's Office primarily as that of a moderator and mediator between the society factors which concern children in any way. With regard to other institutions

the Ombudsman's Office should be given complete insight into the problems and rendered cooperation in the way that it is fully involved into the preparation of legal solutions and action strategies, stressing that the Office cannot assume the role of the bodies competent in certain fields of child right protection, but it can encourage them and continuously monitor their work for the purpose of a better and a comprehensive protection of the rights and welfare of children in the Republic of Croatia.

The Office's goal is get closer to the models of those countries which have achieved the highest level of child protection.

OFFICE SIZE AND STRUCTURE

The office consists of 10 permanent positions.

In accordance with the recommendations of the UN Committee on the Rights of the Child, as an organisation competent for the evaluation of progress made by the states parties to the Committee concerning their implementation of the Convention on Child Rights, Croatian Ministry of Finance authorized the plan for hiring four other government workers holding a bachelor's degree into permanent position with the Office of the Ombudsman for the year 2006 (budget increase). Of the stated four positions, three refer to independent executors, one in each of the cities of Osijek, Rijeka and Split.

The budget for 2006 makes 2.848,200,00 HRK (approximately 381.000 Euros).

The Office's total income is passed by the Croatian Parliament as part of the State budget.

List of staff members and functions September 2006:

Mila Jelović	(Ombudsman for Children)
mr.sc. Maja Gabelica Šupljika	(Deputy)
mr.sc. Lora Vidović	(Deputy)
Gordana Filipović	(advisor to the Ombudsman for Children on legal issues - the field of social welfare, judiciary and family matters)
Ester Radmilo	(advisor to the Ombudsman for Children on legal issues - educational matters and general affairs)
Lidija Petrović	(advisor to the Ombudsman for Children on professional issues - social welfare and family matters)
Tatjana Opačak	(advisor to the Ombudsman for Children on professional issues - the field of the protection of children with developmental handicaps and of children from minority groups)
Dinko Horvat	(head of IT and the writing office)
Gordana Ćosić Šobot	(administrative secretary to the Ombudsman for Children)
Đurđa Putak	(head of accounting office)

ACHIEVEMENTS AND ACTIVITIES

Proposals for amendments

The Arms Act

The Office has addressed its opinion to the proponent by giving proposals for the Draft of the Arms Act. We considered it very important that the provisions which would prescribe more restrictive conditions for obtaining a licence for carrying arms, as well as stricter penalties for persons in unlawful possession of arms, should be incorporated into the text of the Arms Act. Penalties for unlawful procurement, keeping and carrying of arms should be more severe, and the period of validity of a licence to carry and keep arms should be shortened.

Amendments to the Criminal Code

With the aim of more efficient protection of children victims of criminal activities, the Ombudsman for Children has, during the procedure of amendments to the Criminal Code, addressed the Ministry of Justice stating her opinion on the Draft Proposal of the Amendments to the Criminal Code. Objections to the proposed text concerned the need of a different organisation of certain institutes of criminal law. Different legal descriptions of certain incriminations have been proposed, especially with regard to criminal offence of violation of the responsibility of providing support and violation of the secrecy of proceedings, as well as the need for more severe penalties for some criminal offences against children and youth, particularly with regard to the protection of children's sexual, physical and mental integrity, protection of children from neglect as well as the protection of the child's right to a living standard suited for his/her development and needs.

In that respect, we proposed an intensification of the penalties regarding the determined minimal penalty amount, as well as the determined maximal penalty amount for a significant number of sexual criminal offences, in order to stress out the public condemnation of such activities. For criminal activities such as acts of sexual misconduct, satisfaction of lust in front of a child or a minor, procuring, exploiting of children or minors through pornography, we considered it necessary to intensify the sanctions and make a clear distinction between criminal activities committed against a child and those committed against a minor.

We considered it very important that the limitation period for criminal offences committed against children and youth should be prolonged, taking into consideration rather low penalties and rather short period for the limitation of legal proceeding, often before the child comes of age, which means he/she lacks legal capacity and is completely dependant on adults who are in many cases exactly those violating the rights of the child. We considered that limitation period should be prolonged to the child's coming of age. This proposal has been adopted and incorporated into the Criminal Code.

Amendments to the Primary Education Act

The Office of the Children's Ombudsman has submitted its opinion regarding the Proposal of the Act on Amendments to the Primary Education Act by giving the final Act proposal. Amendments have been proposed in the part of the Act regulating the conditions to be met by persons employed in primary schools, amendments to the institutes of removal from work and the manners of work conduct in administrative bodies of private schools. The part of the proposal dealing with the conditions to be met by persons employed in primary schools has been accepted.

Free Legal Assistance Act

In its opinion regarding the proposal of the Draft Act on Free Legal Assistance, the Office advocates the inclusion of the category „Unaccompanied children“ as beneficiaries of free legal assistance, into the said Act, in order to ensure them maximum protection and help.

In conformity with our legal obligation, we have monitored individual violations of child rights, based on which we have gained insight into general occurrences and ways of violating the rights and interests of children. In accordance with our empowerment we have encouraged the solving of observed problems.

Recommendations referred to the competent bodies

In accordance with the recommendations by the United Nations Child Rights Committee, we have referred an initiative **to the Ministry of Finance** suggesting they coordinate the activities aimed at implementing the recommendations of the Child Rights Committee, in which way the budget users would be able, in the process of drafting of the State budget for this and the coming years, to separately allocate the data on the assets earmarked for children, at the national as well as the local level.

We have referred **to the Supreme Court of the Republic of Croatia** as well as **the Ministry of Justice** the recommendations for the promotion of the protection of children's wellbeing, specifically concerning the following: to ensure duty hours in courts in the subjects of family legal protection, to ensure the urgency of court proceedings when decisions are brought concerning children, and ensure networks of institutions for conducting psychosocial treatment of violent persons.

We have referred an appeal **to the Ministry of Agriculture, Forestry and Water Management** regarding the protection of children against dog attacks. Namely, dog attacks on children are almost always a consequence of non-compliance with the Veterinary Act as well as with the regulations of representative bodies of local districts or cities in accordance with the regulations of the Animal Welfare Act, which prescribes for dogs to be kept on a leash, and compulsory wearing of a muzzle for dangerous breeds. We have therefore appealed to them to, by monitoring the implementation of the law, act primarily toward dog owners to take care of their pets in an adequate manner so that the number of accidents in which children are victims of dogs be decreased as much as possible.

As the data announced by the Minister of Justice, on the average needs of a child considering the living expenses, which are to be considered by the courts when setting the support limit, was produced without having considered the Family Act norm on the data approximation with the living expenses, with regard to the previously published data from 2004, and was therefore identical to the data published for the year 2004, the Children's Ombudsman thought it very important to point to that problem and send its recommendation **to the Ministry of Justice**, for them to review their data and make sure that the stated right of approximation of the amounts with the average needs of a child be unquestionable.

A tragic event in Zagreb, in which two persons lost their lives on the playground of a children's home, pointed again to the problem of domestic violence and to the need for more efficient and

coordinated action by all the competent bodies. As this case is defined as crisis event, because it was sudden and had an extremely upsetting and stressful effect on a greater number of people, also bearing in mind that after such events persons cannot help themselves in a state of crisis but need an outside help, we referred recommendations **to the Ministry of Health and Social Welfare as well as to the Ministry of the Interior**, with the aim of promoting safety and protection of the welfare of children placed in social welfare homes. The recommendations referred to the need for crisis interventions teams, an antistress program and supervision, improved prevention by installing video monitoring systems and ensuring security services, ensuring the assets for expertise on occasions of assessing parental fitness, ensuring increased patrols in the vicinity of institutions on weekends, cooperation of local police with the institutions in which children reside so as to ensure a contact person who would coordinate the work of the services on the field and ensure the timeliness of police intervention, as well as ensuring the assets for passive call duties of police workers.

Aware of the problems with which the victims of domestic violence are met in practice, we proposed **to the City of Zagreb (City Office for Health, Labour, Social Protection and Veterans)** to propose, in the Zagreb strategy of unified policy for protection against domestic violence in the period 2007-2009, within the framework of conducting the program for free psychosocial and legal help for women and children victims of violence, and in cooperation with the Judicial Chamber, the engagement of attorneys who would offer free representation for victims of domestic violence in all the proceedings in which these persons realize some of their rights, regardless of whether the proceedings deal with setting the amount of support, with making decisions in family legal protection or whether they are criminal-justice or offense proceedings due on domestic violence.

Other activities regarding the protection and promotion of child rights and welfare

New web page (www.pravobraniteljzadjecu.hr)

Proceeding from the primary activity of the Office of Children's Ombudsman - protection and promotion of child rights, and at the same time using the benefits of the Internet as a media, our new web page was set up wishing to provide the best possible quality of information for children, their family members and all those interested in child rights.

When creating the web page we took into account the profile of our visitors, primarily children and those taking care of them. The Office's wish was for the page to be in the first place informative, educational and fun for children, and at the same time to keep the appearance and profile suitable for a state institution.

The page is primarily informative at the moment, and soon it will be still more interactive, while it is the wish of the Office to offer as much educational content as possible.

Printing the Convention in Croatian Braille script and audio recording of the Convention

We have accomplished two important projects whose aim was to ensure the availability of the UN Convention on Child Rights to blind and visually impaired children. Thus for the first time in Croatia the UN Convention on Child Rights has been printed in Braille script, and, for the first time as well, an audio recording of the Convention in child friendly language has been made.

We have visited a number of institutions of care outside of family where we have talked to children on all the issues they considered important.

The Ombudsman for Children takes part as a member of the Task Force in the explanatory phase of screening for the chapter of Legislation and Basic Human Rights (Chapter 23) in the framework of negotiations for the membership of the Republic of Croatia in the European Union.

As members of the Task Force we are taking part in the drafting of the VI. and the VII. periodic report of the Republic of Croatia according to the UN Convention on abolishing all kinds of racial discrimination.

We have taken part in the drafting of the Draft Proposal of the National Program of Combating Trafficking in Children, which has set up the program goals and measures for combating this growing problem. The National Plan for Combating Trafficking in Children for the years 2005-2007 has been completely harmonized with the UN Convention on Child Rights and with other international documents in the field of child protection.

We have cooperated with the Regional office of UNICEF on a number of their projects (Stop violence against children, Every child needs a family, Children in public care).

We have actualized significant cooperation with the UNHCR Office in Croatia, putting into motion a common project „Children separated from parents foreign nationals in the Republic of Croatia.“

During the year we initiated or took part in a number of activities of the governmental and nongovernmental sector, connected with the protection and promotion of the rights and wellbeing of children such as: public tribunes, conferences, lectures, round tables, radio and TV shows, articles and texts in the papers and journals, reviews and presentations of books and brochures.

The office has taken part in initiating and supporting the topics and theme shows in the means of public informing on the disturbing occurrence of violence against and among children, models of non-violent conflict solving, tolerance, acceptance of differences and on the importance of respecting human rights, specifically on television, radio, in the daily papers, weekly magazines and professional journals.

International cooperation

Following the appointment of the Children's Ombudsman we turned to the members of Enoc with a short letter of presentation. Due to the shortness of time, there was no opportunity for establishing stronger contacts, however, the Ombudsman and her advisors have attended some international meetings covering various aspects of child rights protection, such as the Regional conference on pedophilia, Zagreb; ECRI's (The European Commission against Racism and Intolerance) round table, Zagreb; Meeting of Permanent Intergovernmental Group " L' Europe de L' Enfance ", Vienna; EUROCHIPS Conference (The European Committee for Children of Imprisoned Parents), Paris.