

REPUBLIC OF CROATIA
OMBUDSMAN FOR CHILDREN



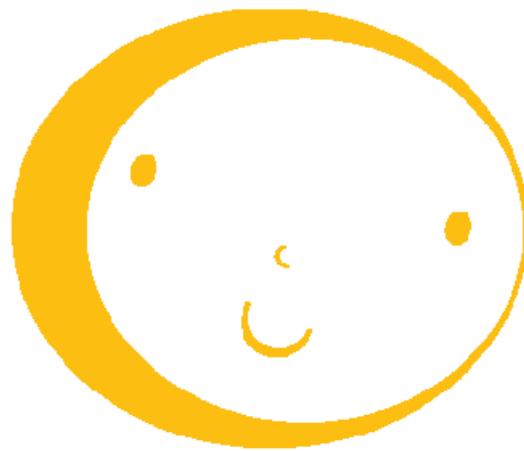
2009

REPORT ABOUT THE WORK OF THE
OMBUDSMAN FOR CHILDREN



SUMMARY

Zagreb, March 2010



 Republic of Croatia 
Ombudsman for children

INTRODUCTION

The 2009 Report of the Ombudsperson for Children provides an overview of the work of the Ombudsperson's Office and contains information about the extent to which children's rights have been respected or threatened in Croatia. The first part of the report contains data and information about violations of individual children's rights, while the second part presents general initiatives launched by the Office and proposals to improve the system of child protection in general.

In 2009, 2,217 new cases were opened, 1,050 on the basis of complaints of individual violations of children's rights and 1,167 on the basis of general initiatives launched by the Ombudsperson for Children. Individual complaints received in 2009 concerned 1,930 children. Along with 1,050 new cases involving individual violations of children's rights, we also continued to work on 747 cases carried over from previous years, which means that a total of 1,797 individual cases were dealt with during 2009.

MONITORING INDIVIDUAL VIOLATIONS OF CHILDREN'S RIGHTS

In this Report, children's rights are categorised in eight groups: personal rights, the rights of children as members of the social community, educational rights, health care rights, social and economic rights, cultural rights, rights involving judicial protection, and children's rights to safety and protection.

PERSONAL RIGHTS

In the area of personal rights of children, a total of 625 individual complaints were received in 2009. As was the case in previous years, most complaints in this area concerned violations of the right to live with parents and to enjoy parental care (308), and the right to protection from violence and neglect (259). Due to their large numbers, these two types of violations, as was the case in previous reports, have been dealt with in separate chapters. Other complaints of violations of children's personal rights had a smaller share in the total number of violations. They concerned the right to protection of privacy (20), the right to know one's family background (12), the right to life (7), adoption (5), foster care (4), and, in a very small number, the rights relating to registration of birth, personal name, acquisition of citizenship, and preservation of personality.

The right to live with parents and to enjoy parental care

The Office of the Ombudsperson for Children proceeded upon 308 cases which related to the exercise of children's right to live with parents and enjoy parental care, involving 455 children. In the past four years, the number of such complaints has tripled. Of the total number of 308 cases, 218 (70.78%) concerned exercise of elements of parental care, 54 (17.53%) were about maintenance, and 36 (11.69%) about restriction or deprivation of the right to parental care.

The majority of parental complaints were about children's right to maintain contact with the parent he or she does not live with. The biggest problems were noticed in connection with contacts that were to be realised in supervised conditions, pursuant to a court order. Due to inadequately equipped facilities and working hours of centres of social welfare (CSW), it is often impossible to realise these contacts on their premises, so this problem should be solved in co-operation with family centres, whose facilities are better equipped and which have sufficient number of qualified staff. In addition, parents frequently complained about the work of centres of social welfare in terms of their inadequate involvement in identifying

the child's best interest, failure to provide counselling in solving conflicts, and insufficient number of staff included in therapeutic work with children. As far as social welfare services are concerned, qualified staff is still lacking, while those already working there would benefit from more training and support of the competent Ministry, which is evident from the fact that they have frequently sought advice from the Office of the Ombudsperson for Children. The problems existing within this system affect the quality and timeliness of intervention, as well as effective protection of children's rights, welfare and interests.

The right to protection from violence

A matter for concern has been a large number of complaints to the Ombudsperson concerning the exposure of children to violence. The Office received and proceeded upon a total of 259 complaints, 209 of which related to violent behaviour towards children, and 50 to neglected care for children. Of 209 complaints filed to report violence, 82 related to violence within the family (domestic violence), 51 to violence in educational institutions, and seven to violence in other institutions. The remaining 69 complaints referred to other forms of violence to which children were exposed outside the family or institution (violence of adults against children, violence of neighbours towards children, peer violence). Complaints filed to report violence covered a total of 371 children.

Violence within the family and child neglect

Of the total of 82 complaints relating to domestic violence, 21 were about physical violence against children, 15 about psychological violence, 13 about sexual violence, and there were 33 cases involving multiple forms of violence against children. In a number of cases it was discovered that the complaints were unfounded and motivated by strained relations and conflicts between the parents. In other words, these complaints were usually filed in response to a suspension of, or difficulties in, contacts between the child and the non-custodial parent, grandparent or other relatives, which is, in our opinion, a form of psychological and emotional violence against children, which needs to be sanctioned. We believe that the problem of sexual violence against children within the family is further exacerbated by the lack of institutions that would be able to offer timely professional support to children who are victims of violence, conduct diagnostic and therapeutic procedures, as well as forensic procedures and evaluations. What we would like to see is a stronger support from the highest-level bodies for establishing and equipping institutions specialised in diagnostic, forensic and therapeutic procedures for the benefit of children in all regions of Croatia. This would eliminate some causes of inadequate and untimely responses on the part of competent bodies in protecting children and sanctioning perpetrators of violence against children.

Of 50 reported cases of **child neglect**, 46 related to child neglect within the family. In such situations, apart from slow and inert responses of the system and delays in imposing measures for the protection of children, we have also noticed difficulties in enforcing these measures. Even when institutions (a centre of social welfare, kindergarten, school, community health centre, or the police) have detected that a child is in danger and have become involved, some children nevertheless remain unprotected because their parents persistently fail to co-operate with the institutions, to follow expert advice and guidance, or to comply with the measures ordered to protect the child. In such cases, the centres of social welfare have a statutory obligation to institute proceedings to divest the parents of their parental rights, but they rarely decide to do so. We consider that it is necessary to adopt

regulations prescribing that situations whereby parents deliberately ignore summonses of the centre of social welfare, fail to appear and co-operate, and thereby violate their children's rights, should be treated as a criminal offence.

It is necessary to ensure consistent application of the Family Act's provisions obliging parents to prohibit children under 16 years of age from **going out at night** after 23.00, unless they are in the company of an adult, in order to protect them from various risks to which they might be exposed. In this connection, the police and centres of social welfare should act in accordance with their competences in order to start counselling work with children and their parents and impose protection measures under the family legislation at the earliest opportunity.

Violence in educational institutions

The Office of the Ombudsperson for Children received 51 individual complaints concerning violence in schools. Of this number, 44 complaints related to violence among children, four to teachers acting violently against children, one to violence committed by other school personnel against children, one to violence committed by other adults, and one to acts of violence committed by children against school personnel. When it comes to types of violence, 22 complaints were about physical violence, eight about psychological violence, two about sexual violence, and 19 concerned multiple violence. Peer violence is becoming more cruel and merciless, often continuing after classes, on the street or occurring via the internet or mobile phones. We are still being approached by children and parents complaining about teachers committing verbal and psychological violence against pupils, in which cases teachers often bear no consequences.

Schools find it hard to deal with children exhibiting unacceptable behaviour, despite undertaking certain measures. This is especially manifested in the case of children with organically caused developmental problems or behavioural disorders. When dealing with such children, schools feel left to their own devices, so they often turn to us for assistance. The **Protocol for Handling Cases of Violence among Children and Young People** is still implemented more as a formality than with a genuine desire to make a difference. Genuine prevention of violence in educational institutions still depends on the good will of individuals and is carried out in a piecemeal fashion, instead of being based on an effective strategy and integrated into the overall work with children in school during their entire stay there.

Educational institutions often fail to take a clear stand towards the problem of violence, and difficulties also arise due to the lack of constant communication, co-operation and agreement between school staff, centres of social welfare and parents in undertaking specific measures. A particular cause for concern is the fact that children are still exclusively perceived either as perpetrators of violence, who should be punished, or as victims, who should be helped, rather than partners who can contribute towards creating a safe and stimulating environment in school. Therefore, we consider that it is necessary to train **school staff in the importance and methods of child participation** with the aim of actively involving pupils in addressing the problem of violence.

Violence in social welfare institutions

We received four complaints relating to violence in social welfare institutions committed against four children accommodated in homes for children with behavioural disorders. However, this number does not reflect an accurate picture of the situation, which was

confirmed by the information we gained during our visits to these homes. The measures that are being undertaken are not sufficient to raise the level of general and specific prevention, especially in the homes for children with behavioural disorders. Insufficiently structured educational work with children accommodated in minimum-security facilities enables manifestation and progression of a number of forms of socially unacceptable behaviour. It is very important for children in homes to know their rights and what to do and to whom to turn if they are faced with any form of violence, and also to be encouraged to report such cases.

Other forms of violence

We received 67 individual complaints of violations of children's right to protection from violence, which occurred outside the family or institution, and to which a total of 140 children were exposed. Eight cases of sexual abuse of children by adults were reported. In two of these cases, the perpetrators were the children's neighbours, in three coaches or other staff of sports clubs or federations, and others. Cases involving physical or verbal violence against children committed by neighbours or other adults are more frequent, mainly as a result of problematic relations among adults who tend to involve children in their mutual conflicts. Adults frequently have no sympathy for child's play, finding it to be too noisy or inappropriate, and resort to violence in order to warn and "discipline" other people's children. Although the legislator prescribed that these types of criminal offences, i.e. those committed against children, are subject to prosecution *ex officio*, competent authorities often fail to respond to such incidents or they respond too leniently. A lack of standardised practice has been observed in the procedures of public prosecution offices. Namely, some of these offices manage to find ways to prosecute perpetrators of violence, while others tend to dismiss crime reports in such cases, with an explanation that the offence was "negligible". Some of the offences characterised as "negligent" have included for example: punching or hitting a child on the head and body with various objects, driving a car into a yard where children are playing, threatening a child, verbal aggression or intimidation.

An increase in bullying via the internet or mobile phones was noticed, as was the adults' failure to respond properly in situations in which children should have been protected from this form of violence. When it comes to adults' attitude towards violence among children, we have, regrettably, noticed that many adults tend to forget that violent children are often victims of abuse or neglect themselves, and that they too need help. In the cases of peer violence, along with imposition of misdemeanour and criminal-law sanctions against children who are perpetrators of violence, it is also necessary to ensure a co-ordinated action of all institutions which are involved in pursuing children's wellbeing and which can offer assistance to these children through educational measures and measures under the family legislation.

Foster care

Foster care for children is still insufficiently developed in Croatia. Violations of the rights of children in foster care most frequently occur because centres of social welfare are reluctant to institute court proceedings to divest these children's parents of their parental rights (which is a prerequisite for finding more permanent solutions for these children, e.g. by means of adoption), and because of the long duration of these proceedings once they are instituted. Violations sometimes occur due to insufficient involvement of the system in

campaigns aimed at promoting foster care of children with disabilities and children with behavioural disorders, and inadequate expert assistance available to foster families, as a result of which these children have no other choice but to stay in the institution. Another problem is insufficient number of expert staff, who would work with children in foster care and foster families in order to prepare them for "leaving" the foster family. Due to the lack of a single register of foster parents and a small number of available foster parents in towns and some regions (Šibenik, Dubrovnik and Istria), children are often placed in foster care far away from their residence and outside the jurisdiction of the centre of social welfare in their home towns, as a result of which the center for social welfare is insufficiently involved in the provision of assistance to the children and the foster family. Consequently, children most frequently remain in foster care until reaching the age of majority, although foster care is considered as a temporary form of placement.

THE RIGHTS OF CHILDREN AS MEMBERS OF THE SOCIAL COMMUNITY

The Office of the Ombudsperson for Children received 13 complaints of violations of the rights of children as members of the social community, involving 18 children. Four complaints related to violations of the child's right to express his or her opinion in family-law matters, four to violations of the right to protection from potentially harmful information, two to inability of children to express their opinions in school, and one each to a violation of the child's right to express his or her opinion in other places, have access to information and enjoy freedom of thought, conscience and religion. A lack of public awareness about these rights has been noticed, as has insufficient willingness on the part of adults to accept the possibility for children's voice to be heard in society and to take their opinions into account, thus enabling them to participate actively in making decisions that affect them.

EDUCATIONAL RIGHTS

With a total of 187 individual complaints or 17.81% of the total number of complaints, violations of children's rights to education are in the third place, after violations of the right to parental care and protection from violence. There were 622 children whose rights were violated in the educational system. The largest number of complaints relate to violations in the primary education system (129), then in pre-school education (37), and the secondary education system (21). The complaints concerned the following: the availability of education, safety, spatial and organisational conditions in which children receive education, personnel situation, educational programmes and content, adequate education for children with disabilities, the rights of children in emergency situations, and relationship between parents and staff of educational institutions.

The **availability of education** was the subject of the majority of complaints relating to the pre-school and secondary education systems. In pre-school education, the biggest problem was a lack of accommodation capacity and an insufficient coverage of children (43%), so the Ombudsperson for Children sent a recommendation to the ministries responsible for the family, education, health and social welfare inviting them to encourage the founders of pre-school institutions to create conditions for placing children in kindergartens and including them in pre-school programmes in their territories, and to adjust the working hours of kindergartens to the needs of parents and families. In the primary education system, the problem of availability of education manifested itself in a lack of willingness to adjust the system to the needs of children and families, for example, by organising classes in pupils' homes (for pupils who have been absent from school for a long time due to illness),

individualised programmes or classes in special groups or by organising extended time in school. The problem of availability of secondary education in 2009 was accentuated due to the "freezing" of the National Programme for Introducing Mandatory Secondary Education, i.e. withdrawing incentives for encouraging all children to continue their education until taking up their first occupation: free textbooks, free accommodation in pupils' hostels and transportation subsidies.

As regards **spatial, safety and organisational conditions** in pre-school education, parents complained of certain aspects of their children's safety in kindergartens, the organisation of work, the number of children in a group, inadequate premises, transfer of groups from one facility to another, frequent changes of teachers in a kindergarten group. In primary and secondary schools these complaints related to parents not being provided with information about the arrangements for obtaining damages and taking out an insurance policy covering accidents and injuries sustained by children while playing or as a result of peer violence; the safety of children in school transportation (the traffic inspection detected a number of irregularities, ranging from inappropriate conduct of bus drivers towards children and engaging retired drivers to using unregistered buses and unroadworthy buses which had, nevertheless, been issued with certificates on roadworthiness); too heavy schoolbags; frequent changes of textbooks and cancelling the right to free textbooks; organisation of classes in three shifts; preferential treatment of main schools at the expense of branch schools; insufficient number of expert associates in schools; failure to organise remedial lessons and extra lessons; placing the optional subject of religious education in the middle of the time-table, so children who do not attend these classes are not catered for in an appropriate manner. Pupils in the final year of secondary education were overworked due to preparations for school-leaving examinations (*State Matura*), which particularly affected pupils of four-year vocational schools, who, in addition fulfilling their regular school obligations, also had to attend additional preparatory classes for State Matura examinations, because these were developed on the basis of the gymnasium curriculum.

Personnel situation and educational programmes and content, as well as inappropriate and unethical conduct on the part of school personnel towards children were the subjects of the majority of complaints of violations of children's educational rights in school. These problems were exacerbated by a lack of willingness on the part of school leadership to label certain inappropriate acts committed by staff as violence against children and sanction them accordingly. Violations occur in the process of monitoring and grading pupils and imposing pedagogical measures. Neither children nor parents are acquainted with the Ordinance on grading, and with grading criteria used by some teachers, which leads to conflicts and frequent complaints by parents.

Our proposals regarding the Code of Ethics, evaluation of teachers and introduction of licences for teachers, expert associates and principals were accepted and integrated in the Primary and Secondary Education Act, but implementing regulations, which would enable the fulfilment of these obligations, have still not been adopted. The number of school inspectors and educational supervisors in the system is still insufficient.

HEALTH CARE RIGHTS

In 2009, the Office of the Ombudsperson for Children received a total of 35 individual complaints of violations of children's health care rights, involving 47 children altogether. The complaints related to the work of doctors and their attitude towards child patients and their

parents, health care of children holding the status of an alien, the right to hospital treatment and medical rehabilitation, conditions for referring a child for medical treatment to a foreign health institution, etc.

Due to an **insufficient number of health professionals**, especially in small communities, we have been receiving complaints about excessively long waiting periods for children to receive certain medical services, and unsatisfactory quality of services. It has been noticed that parents have little information about available options for acquiring the right to refer their child for medical treatment abroad, about which doctors and CIHI's staff should inform them better and help them file a request to exercise this right. The right of **parents to stay with their children in hospital** is often limited due to inadequate accommodation capacities of hospitals. We believe that the competent ministry should review and increase the capacities for free accommodation available to parents whose children are in hospital, because existing capacities are inadequate to enable parents and children to realise this right, which is guaranteed to them.

A need has also been identified to found a **Child Protection Centre** in the Slavonia and Dalmatia regions, since at this moment many people from these regions have to seek assistance in the only Centre of this kind, i.e. Child Protection Centre of Zagreb. The purpose of such centres is to offer psychological, social, psychiatric, special education and paediatric assistance to children who have had traumatic experiences and to their parents. Therefore it is important for children to have access to these centres, so that they can receive required assistance at the earliest opportunity after the trauma, and that the required expert evaluations are carried out as soon as possible. The Ombudsperson brought this issue to the attention of the counties existing in the territories of these two regions.

The Ombudsperson sent recommendations to the Ministry of Health and Social Welfare and to certain hospitals to ensure the maximum level of protection for **children suffering from malignant diseases**. According to children and parents, the main problems are poor facilities at oncology departments, parents' inability to spend quality time with their children due to cramped space, lack of privacy, adolescent boys and girls being placed in the same rooms, and unavailability of psychological assistance. They also face many difficulties in regulating their rights in the social welfare and health care systems.

Public controversies surrounding vaccination against **HPV** (Human Papillomavirus) for girls in Year Seven of primary school indicate that it is very important to enable young people to have access to information about HPV and related diseases, and offer them the opportunity to turn to trusted professionals to help them resolve their dilemmas.

SOCIAL AND ECONOMIC RIGHTS

Social rights

The Office received 48 complaints of violations of children's' individual social rights within the social welfare system. The majority of these complaints referred to procedures launched before centres of social welfare for the purpose of obtaining financial benefits and, in particular, in connection with procedures for acquiring the right to salary compensation during a leave of absence taken to take care of a child with disabilities, the right to a personal disability benefit, and the right to allowance for assistance and care. The reasons for these complaints included the complainants' dissatisfaction with legal arrangements on the procedure for acquiring these rights, lack of standardised practice of competent bodies

regarding the manner of acquisition of rights, and unprofessional conduct of staff who failed to provide clients with full information.

Maintenance – The lengthiness and ineffectiveness of civil, enforcement and criminal proceedings, and the failure of centres of social welfare to participate in maintenance cases in line with their competences were the most frequent reasons behind complaints filed with the Ombudsperson. The complaints bring to light parents' failure to get along in these proceedings, which confirms the importance of an earlier initiative by the Ombudsperson for Children launched towards the Croatian Bar Association, as a result of which a decision was rendered to provide free legal aid to parties in maintenance proceedings.

The current economic crisis has become a painful reminder that the periods of recession tend to have the most adverse impact on the safety and protection of children. Poverty increases many risks for children, primarily the risk of neglect, which, together with inadequate diet and deficient health care, leads to children being denied high-quality developmental stimuli. Poor children are more exposed to the risk of bullying, and have a more limited access to education and many health, social and cultural services that improve the quality of childhood. For this reason, in July 2009 we once again invited the Government of Croatia to adopt an operational plan for the protection of the most vulnerable groups of children in the process of adopting measures to combat the economic crisis, with specific actions to be taken on the national and local levels. We consider that funds for programmes directly benefiting children should not be cut, and that in all areas mechanisms should be devised to help families who are poor or on the edge of poverty. One of the ways of improving the position of children in society is to provide a special budget allocation for children, on both the national and local levels. We sent a recommendation to this effect to the Ministry of Finance, the Croatian Parliament and members of the Croatian Government as far back as 2006, and have repeatedly sent it every year since then in the period of preparing and drawing up the State Budget.

Economic rights

The Office of the Ombudsperson for Children received 55 complaints of violations of economic rights. Of this number, 20 complaints referred to safeguarding the right to an adequate standard of living, 20 to the right to protection from economic exploitation and involvement in dangerous work, five complaints related to protecting children's property rights, while others related to other economic rights.

The units of local self-government do not earmark sufficient funding for provision of housing to families with children who are very often welfare beneficiaries, which is particularly pronounced in smaller and economically less developed municipalities and towns. As a result, some children live in extremely poor and unhygienic conditions. An adequate standard of living can also not be provided to children whose parents have divorced, but continue to occupy the same housing unit because neither of them has the financial capability to provide himself or herself other accommodation. Some parents turn to the Ombudsperson for help stating that they are prevented from disposing of a housing unit registered as the child's property, but it was precisely them who deliberately transferred the ownership of that unit to the child in order to prevent or evade the enforcement of a claim against them arising from other legal transactions.

Property rights – The Ombudsperson is frequently approached by parents complaining about legal provisions stipulating that in some situations they must seek approval from the centre of social welfare for disposing of the child's property. They allege that procedures for obtaining this approval are lengthy and complicated, thus failing to protect the rights and interests of children in the case of transactions requiring urgency. We believe that the priority is to ensure the consistent and effective implementation of the current laws and regulations, which would at the same time guarantee urgent protection of children's property rights and interests and make it easier for parents to undertake desired actions. Therefore, we recommended to the Croatian National Bank to raise the awareness of employees of all credit institutions about the protection of children's property rights, to train and inform them about the Family Act's provisions safeguarding these rights.

The Ombudsperson also reacted to the *opinion* of the Ministry of Health and Social Welfare sent to centres of social welfare, the Insurance Ombudsman Service and the Croatian Postal Bank, whereby parents can dispose of children's money without obtaining approval from the centre of social welfare up to the amount of HRK 10,000 per month. Our suggestion to the Ministry was that it would be more acceptable to link such payments to the average needs of a child or the minimum amount required for monthly maintenance of a child, as prescribed by the Family Act.

Maternity benefits – Due to some illogical elements, the application of the Maternity Benefits and Parental Grants Act was the subject of many complaints received by the Ombudsperson for Children, in particular, from parents of children with severe disabilities, parents of twins or parents to whom a third child was born or those with a large number of children. We brought the problems arising in the application of this Act to the attention of the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity. A lack of clarity was observed in connection with the right to extended maternity leave in the case of a prematurely born child, as were different interpretations of the provisions governing the duration of the extension of maternity leave given by different regional offices of the Croatian Institute for Health Insurance.

CULTURAL RIGHTS

The Office of the Ombudsperson for Children worked on 11 individual cases of violations of children's cultural rights, and it also launched a number of general initiatives relating to children's cultural rights. Nine of the aforesaid 11 individual complaints referred to rights of children involved in sports, more specifically, inappropriate treatment of children by coaches and sports clubs' staff, and there were also several complaints in which parents referred to an inappropriate treatment of leaders of various activities for children in children's playschools and complained of inadequate premises used by these playschools and the content of programmes offered to children there. The Ombudsperson's general initiatives and actions related to: the safety of children in playschools with unclear legal status, religious content in school, youth centres and children's playgrounds.

Youth centres

Since in many local communities children do not have a place to meet and enjoy quality leisure facilities, in December 2008 the Office of the Ombudsperson sent a recommendation to all units of local self-government (127 towns and 429 municipalities) in Croatia regarding the need of establishing youth centres. On that occasion, the Office asked them to provide reports on whether they already had such centres and, if not, what measures they were

taking with the goal of establishing them. Unfortunately, only 17% of units of local self-government responded to the Office's questions. From their answers we learnt that there were 11 youth centres or clubs, and that 22 units of local self-government were planning to found such centres in the near future. Many units of local self-government consider that, by financing the activities of associations engaged in work with children and youth, they "covered" children's needs in their leisure time, while others consider that they do not need any youth centres at all.

Children's playgrounds

The Ombudsperson also sent a recommendation to units of local self-government regarding improvement of children's playgrounds, in order to encourage the competent authorities to take a more active care of the state of maintenance, level of equipment and availability of children's playgrounds, and primarily of their safety. A total of 51% of towns and municipalities responded to the Ombudsperson's recommendation. It is a cause for concern that 17 municipalities do not have any children's playgrounds at all, while some others even consider them unnecessary. Financial problems and limitations are the main obstacles to building new and maintaining existing children's playgrounds and playground equipment. Only a small number of towns have playgrounds adapted to children with disabilities. In order to improve the safety of children in playgrounds, citizens should be better informed of who is responsible for maintaining a specific playground, and to whom defective equipment should be reported, which should also be displayed in a conspicuous place at the playground.

RIGHTS TO JUDICIAL PROTECTION

The protection of the rights of children in conflict with the law, and those who witnessed a criminal offence or against whom a criminal offence was committed was the subject of complaints filed with the Ombudsperson for Children last year as well. During 2009, a total of 33 complaints of violations of children's rights in this area were received. The largest number of complaints referred to the protection of children who are suspected, accused or convicted of committing a criminal or misdemeanour offence (14) and to the protection of children who were victims of a criminal offence (6), while violations of other children's rights in this area were the subject of a smaller number of complaints.

The protection of children appearing as witnesses or injured parties in judicial proceedings

Prompted by complaints received from parents and problems observed, the Ombudsperson for Children has, for many years, been raising awareness about the necessity to introduce legislative changes in order to improve the position of child victims and witnesses in criminal proceedings. Inappropriate conduct of police staff when interrogating child victims or witnesses, the length of court proceedings, the exposure of children to multiple interrogations, failure to provide quality assistance and support to children, and court facilities which are inadequate for the needs of children may be very stressful for children. The Ombudsperson's proposals and initiatives were directed towards creating conditions for improving the position of children in court proceedings, in particular, by creating a "child-friendly" environment, organising a comprehensive protection and support service, i.e. a witness and victim support service, and amending the criminal legislation to improve the protection of children harmed by a criminal offence. Specifically, it was proposed to sanction certain forms of sexual exploitation of children which are currently not provided for by the Act, to introduce new security measures, to set up a single database on convicted

perpetrators of sexual offences against children, to increase the availability of criminal records data relating to persons convicted by a *res judicata* decision in order to reinforce the control and verification of persons working directly with children or those to whose custody and care children are placed (adopters, foster parents, guardians), and to significantly prolong rehabilitation periods after which a conviction is considered spent. A proposal was also made to the competent ministry to establish a support and assistance system for child victims and witnesses, to standardise procedures for interrogating children, and to ensure conditions for efficient work of expert court advisers. With a view to protecting children from sexual exploitation and abuse, it was proposed to raise the age of consent at which a child may consent to have a sexual intercourse, and amendments to the Social Welfare Act were proposed in order to prevent employment of persons convicted of committing sexual offences by a *res judicata* decision in the social welfare system.

The protection of children who committed a criminal or misdemeanour offence

The Office received 18 complaints of violations of the right to judicial protection of children who had committed a criminal or misdemeanour offence (involving 18 children). The majority of these complaints referred to police conduct (intrusions on privacy, infringements of dignity in communication, excessively long interrogation, examining children without the presence of their parents), lengthy court proceedings, and conduct of juvenile judges or detention facilities' staff towards children suspected of having committed a criminal offence. Complaints were also made regarding the right of child suspects to education, and conduct of correctional homes' staff responsible for executing correctional sentences. The slowness of judicial proceedings is one of the key problems encountered in protecting the rights of child perpetrators of criminal offences, as is the lack of accommodation facilities due to which children are forced to share cells with adults, in a very cramped space. The adequacy of accommodation and treatment of children suffering from multiple disturbances is also questionable. Special difficulties have been noticed in connection with executing the correctional measure of referral to a correctional institution.

With the emergence of increasingly severe forms of violence among children and young people, public debates were opened regarding the need to introduce harsher juvenile sanctions. The Ombudsperson is of the opinion that harsher sanctions would not lead to a reduction in the violence rate, and that the only effective solution is to implement comprehensive prevention measures. The responsibility for the current state of affairs does not only lie with the judiciary. Rather, the current situation is the result of a lack of efficacy, mutual links and co-ordination of a number of systems (education, health, social welfare and judicial systems) involved in protecting children who committed criminal offences.

SAFETY AND PROTECTION OF CHILDREN

Many activities carried out by the Ombudsperson were directed at improving the safety of children in road traffic and the safety and protection of children at children's playgrounds. A total of 12 complaints were received regarding dangers to children's safety, involving 14 children. The complaints referred to dangers to which children were exposed on their way to school, the lack of pavements along roads, unprotected level crossings, inadequate and incomplete horizontal and vertical road signage, and poor traffic safety culture among drivers. The year 2009 saw the continuation of the Ombudsperson's initiative to ensure the consistent implementation of the amended Ordinance on conditions to be met by vehicles used to transport children.

When unsupervised by adults, children may also get hurt at home, i.e. as a result of improper use of household appliances, unsafely stored weapons owned by their parents, and also farm machines because parents tend to involve their children in agricultural work they are unable to perform, thus endangering their lives. Children also get hurt at children's playgrounds, due to damaged and poorly maintained playground equipment, and at sport grounds due to poorly maintained and unsecured structures. In addition, children are victims of dog attacks and are injured by pyrotechnical devices, and their safety is at risk at undeveloped swimming beaches.

Although no fatal injuries have been caused to children by landmines in the past five years, children continue to be potentially exposed to danger from landmines, since there are still 887 square kilometres of suspected mined areas in 12 Croatian counties. This situation is intolerable and the slowness of action in this area is incomprehensible.

PROPOSALS TO UNDERTAKE MEASURES TO BUILD AN INTEGRAL SYSTEM FOR THE PROTECTION AND PROMOTION OF CHILDREN'S RIGHTS AND INTERESTS

RESPECT FOR THE CHILD'S OPINION AND THE RIGHT TO PARTICIPATE

When it comes to protection and care, children and youth are, to a large extent, still treated as objects, rather than subjects capable of participating actively in the life of the community. Despite many opportunities for children and youth to participate in society, the experience has shown that these opportunities are mostly availed of only formally. Certain local communities in the Republic of Croatia have recognised the importance of the existence of children's decision-making bodies, so they have established **children's town councils and youth councils**.

The Primary and Secondary Education Act prescribes that each school is bound to establish a pupils' council which will participate in the work of school's bodies making decisions about pupils' rights and obligations, but without decision-making rights. However, our visits to schools and conversations with children and youth have revealed that the majority of pupils have not been informed about the existence and role of pupils' councils, that sometimes no councils have been established or that councils have only been formed as a formality, merely to meet the statutory obligation, i.e. without any genuine intention to bring children's participation to life.

Meetings, conversations and co-operation with children

One of the priorities of the Office of the Ombudsperson for Children in 2009 was to meet and co-operate with children with the aim of enhancing the influence of children in society. Last year the Ombudsperson's Office was visited by students of the Graphic Design Department of the School of Applied Arts and Design in Zagreb, the Electrical Engineering School in Zagreb, the Vladimir Prelog Natural Science School in Zagreb, the Classical Gymnasium in Zagreb, the Davorin Trstenjak Primary School in Zagreb, the Administration and Office Management High School in Zagreb, the Petar Krešimir 4th Primary School in Šibenik, the Knez Mislav Primary School in Kaštel Sućurac, the Plokite Primary School in Split, and members of the Children's Town Council in the Town of Omiš.

At the Ombudsperson's invitation, a group of students of the Electrical Engineering School, the Vladimir Prelog Natural Science School and the Classical Gymnasium in Zagreb joined the discussion about introducing health education in primary and secondary schools, and about the acceptability of the age of consent of fourteen years prescribed by Croatian regulations as the age at which a child may consent to have a sexual intercourse with an adult, and the Ombudsperson's proposal to raise this age.

The Office of the Ombudsperson for Children has gathered children and young people between 13 and 17 years of age to form the **Network of Youth Advisers to the Ombudsperson for Children**. The Network operates as a permanent advisory body whose members communicate and exchange opinions through an e-forum on a regular basis (current topics: education, violence, privacy and the Internet, and health). In 2010, the Network will join the **ENOC Network of Youth Advisers – ENYA**.

RIGHTS OF CHILDREN BELONGING TO NATIONAL MINORITIES

In 2009 complaints of violations of rights of children belonging to the Roma national minority referred to the following: depriving parents of the right to live with their children, placing children in custody of other persons due to neglect within the family, inability to provide appropriate accommodation and treatment to children with behavioural disorders, juvenile pregnancy, domestic violence, violence committed by adults at school, peer violence at school, inadequate conditions for education, inability to obtain health care.

In April 2009 the Office of the Ombudsperson organised a meeting on the subject of "The Protection of Children Belonging to the Roma National Minority" to which representatives of institutions and organisations responsible for providing protection to children were invited, as were representatives of the Roma community. The discussion brought to light some problems faced by some members of the Roma community, including how to resolve status issues (registration of temporary or permanent residence, acquisition of citizenship), preparations for school and regular school attendance, protection under family law, adequate care of children and provision of health care to children. It also touched on the issue of the role of Roma associations working with members of the Roma community. On the basis of the proposals put forward, the Ombudsperson has been making efforts to promote co-ordinated and efficient functioning of all systems that are crucial to ensuring the exercise of children's rights.

RIGHTS OF CHILDREN WITH DISABILITIES

The Office of the Ombudsperson received 110 complaints of individual violations of rights of children with disabilities, which accounted for 10.48% of the total number of complaints and involved 128 children. Of these, 47% of complaints referred to the area of education, 22% to social and 8% to health rights, while other rights had smaller percentages. Insufficient allocations for social programmes directly affect children with difficulties, whose families often lack funds for health, rehabilitation and all other services necessary to mitigate the consequences of their health damage. Many parents complain that a child with disabilities loses the right to a full personal disability benefit (HRK 1,250) if he or she spends more than four hours a day in a kindergarten, school or other specialised institution for rehabilitation, and in that case is only entitled to a half of that amount (HRK 625). It is necessary to improve the infrastructure and quality of professional services provided in institutions for children with disabilities, but the ultimate goal is to remove children from institutions, by developing a support system for families and providing a greater material support for the system of

replacement care. Children in institutions are more exposed to the risk of neglect and abuse, so it is necessary to provide systematic training and support for their staff, as well as stricter supervision and appropriate sanctions for those who commit violence.

Although children with disabilities enjoy a preferential treatment in kindergarten enrolment policies, they are often unable to exercise this right due to a shortage of expert associates and a lack of systematic support for kindergarten teachers. The introduction of teaching assistants for children with disabilities in schools was a positive development, but so far this area has remained completely unregulated. In this connection, mobile expert teams should be introduced at the county level, which would provide support to teaching assistants, coordinators, expert associates and teachers in schools.

These children often do not receive appropriate health care due to a shortage of health workers specially trained to provide medical treatment to children with disabilities, and professionals most in demand are child psychiatrists and dentists.

RIGHTS OF CHILDREN WITH BEHAVIOURAL DISORDERS

During the reporting period, 57 complaints were received which related to violations of rights and interests of 72 children with behavioural disorders. They mostly referred to violations of educational rights, parents' dissatisfaction with how their children were treated at school, either due to unprofessional or unethical conduct on the part of adults or failure to respect specific educational needs of these children, or due to peer violence to which they were exposed.

The preventive measure involving extended professional treatment of children engaging in risky behaviour, which is implemented in schools in five Croatian towns by the staff of correctional homes, proved to be effective and useful in the protection of children engaging in risky behaviour, so the Ombudsperson for Children recommended its wider implementation in schools, which was to be realised through co-operation of three ministries. However, the application of this educational measure was insufficiently prepared, resulting in many problems and resistance on the part of expert and teaching staff.

Schools have a very hard time dealing with needs of children with behavioural disorders, which afflicts both these and other children in school. No operational programmes are in place which would deal with these children in a systematic manner, and the majority of positive examples were the result of the creativity and enthusiasm of individual staff members. Centres of social welfare carry out many activities related to protecting children with behavioural disorders, but due to the excessive workload of their staff and a lack of training and supervision, their interventions are often insufficiently effective.

Within the system for the protection of children with behavioural disorders placed in correctional institutions, a number of difficulties have been observed due to which treatment of these children does not yield expected results and sometimes even leads to deterioration of their condition. Problems have been noted in connection with their accommodation, mostly in the case of children who also suffer from psychological problems, inability to provide adequate treatment to children with extremely complex forms of behavioural disorders, a lack of a consolidated educational structure and links between specific segments of the educational process, insufficient level of expertise of the staff, and insufficient individualisation and implementation of group work.

Despite the progress achieved in the past several years, the system as a whole still fails to protect sufficiently the rights and interests of these children, both in terms of preventive activities and in treating children who already exhibit various forms of behavioural or mental disorders. The government departments responsible for these matters are insufficiently co-ordinated and linked, and the civil sector has not used its capacities to a sufficient extent in this respect.

RIGHTS OF CHILDREN WHOSE PARENTS ARE IN PRISON

The Office of the Ombudsperson has proceeded upon 39 individual complaints and 26 general initiatives relating to children whose parents are in prison. The most frequent reason for approaching the Ombudsperson for Children was inability to maintain contacts with children while in prison or insufficient contacts, mainly due to the distance between the penal institution and the child's residence, but also due to poor relations between the other parent who does not wish to bring the child to visit his or her imprisoned parent. Last year, the Office carried out a number of activities aimed at raising the awareness of experts and the general public about the rights and interest of children whose parents are in prison. The Office published a collection of papers presented at the expert meeting "Rights of Children Whose Parents are in Prison" and presented it to the public.

In 2009 the Office of the Ombudsperson for Children became an active member of the EUROCHIPS, a network of European organisations and associations promoting and protecting the rights of children whose parents are in prison, with which it had maintained contact since 2006. Membership of this network includes activities aimed at enhancing the protection of this vulnerable group of children within legislative, legal, psychological, social and media frameworks, on national, global and European levels. The Office also initiated co-operation with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), focussed on protecting, monitoring and promoting the rights of children within the prison system, whether as perpetrators of criminal offences or as children of parents deprived of their freedom.

The awareness of the rights of these children and their specific needs has been progressively growing, and the system has become more open towards the civil sector in implementing special programmes. However, despite the Ombudsperson's recommendations, the number of psychologists employed in treatment departments has not been increased.

CORPORAL PUNISHMENT OF CHILDREN

When it comes to protecting children from corporal punishment, the legislation of the Republic of Croatia is, in our opinion, appropriate since this form of violence against children is sanctioned by the Family Act, the Protection from Domestic Violence Act, and the Criminal Code. However, we cannot be satisfied with the implementation of these regulations. We consider that considerable efforts should be made in the future in order to train experts – police officers, social workers, teachers, public prosecutors, judges, paediatricians and others – in order to enable the consistent implementation of regulations and provide adequate expert assistance and support to parents for raising their children.

During 2009, we received several complaints from parents who were dissatisfied with the fact that the public prosecution office had dismissed crime reports against adults who had been violent towards their children. Such decisions send a message to adults and children that violent behaviour is acceptable, encourage them to resolve their conflicts in a violent

manner and compromise the implementation of legal regulations related to protecting children from all forms of violence. We consider that society must not tolerate any form of violent behaviour towards children, and for this reason the Ombudsperson recommended to public prosecution offices to review this practice, calling for zero tolerance towards violence against children within the framework of existing legal regulations.

CHILDREN AND DISPUTED DIVORCES

Disputed break-ups of a family union in which one parent manipulates children in an attempt to alienate them from the other parent are extremely harmful to children and bear long-lasting consequences. One of the most frequent forms of manipulation is preventing contact between the child and the non-custodial parent. The Ombudsperson for Children proposed that contempt of a visitation order, issued by the competent authority, should be defined as a form of violence and included in the Prevention of Domestic Violence Act, but her proposal was not accepted.

In a desire to raise the awareness of the circumstances which might be harmful to children during divorce and on how the competent institutions could make it easier for the child to cope with this stressful experience, the Ombudsperson for Children organised expert discussions entitled "Manipulating Children during Divorce" in Rijeka and Split. "Children and Disputed Divorces – Access for Children to National, International and European Justice" was the topic of a two-day annual conference of the Children's Rights Ombudspersons' Network in South and Eastern Europe (CRONSEE), held in May 2009 in Dubrovnik, organised by the Office of the Ombudsperson for Children. Society must take care of children and families, especially families at risk, and provide high-quality preventive programmes and "schools for parents" at which parents would be taught about responsible parenting, ways to improve their parental competences, non-violent child rearing methods, and also coping with some specific situations, such as divorce. At the moment, no preventive programmes are to be seen, and bodies that should provide support to families fail to respond timely and efficiently, since the staff of centres of social welfare and judges rendering decisions about relations between parents and children are inadequately equipped and trained, and pressed by ever heavier caseloads.

LENGTH OF STAY IN HOMES FOR CHILDREN WITHOUT ADEQUATE PARENTAL CARE

According to unofficial data, homes for children without adequate parental care provide accommodation to a total of 1,235 children and young people. The average length of their stay is four years, and each year between 130 and 150 children who become eligible for adoption are adopted. The main reasons behind such a small number of adoptions are reported to be inadequate involvement on the part of the staff of centres of social welfare and too lengthy court proceedings instituted to deprive biological parents of their parental rights (which is a precondition for instituting the adoption procedure). According to the staff of centres of social welfare and children's homes, some problems are caused by bad regulations and performance of the Ministry of Health and Social Welfare. Possible solutions include a more effective inter-departmental co-operation (the children's home, the centre for social welfare, the court, and the Ministry); continuous work with biological families of children accommodated in children's homes; campaigns to promote foster care; provision of a higher-quality training and permanent professional assistance to foster parents; establishment of an integral database of foster parents and adopters, and creating networks within the social welfare system.

PROTECTION FOR CHILDREN INVOLVED IN SPORTS

The Office proceeded upon 18 individual complaints and ten general initiatives relating to protection of children involved in sports. They referred to inappropriate or abusive behaviour of adults towards child athletes, peer violence, excluding children athletes from clubs, seeking money for transfer to other sports clubs, failure to provide adequate assistance in the case of injury, and media coverage of children involved in sports. Particularly worrying are five complaints of sexual abuse against children. Most frequent causes for complaints are verbal violence, intimidation, insulting, belittling, and harassment of children in sports teams or clubs. In the past years, the Ombudsperson for Children proposed introduction of licences for work with children in the area of sports, and obligatory renewal of such licences. It is impermissible that persons working with children do not meet statutory requirements, are not trained or subject to any control. What is even more worrying is that no sporting inspection service has been established at the competent ministry and that these activities escape any supervision.

CARE FOR THE MENTAL HEALTH OF CHILDREN

It is evident that many Croatian regions lack experts and institutions which would be able to consolidate various approaches and expert tasks focussing on protection of the mental health of children, especially those that have gone through traumatic experiences. What we need are institutions capable of providing psychological, social, psychiatric, special education and paediatric assistance, which will provide diagnostic, counselling and therapeutic services to children and their families, carry out forensic evaluations and expert assessments, train the staff and experts, and raise the awareness of the importance of protecting children's mental health in the local community. The Child Protection Centre of the City of Zagreb, as the only institution of this kind existing at the moment, cannot provide assistance to all children in need of such assistance, since more than 40% of children to whom it currently provides treatment come from outside of Zagreb. A cause for concern is the lack of youth counselling centres and absence of systematic health education in primary and secondary schools (topics planned to be covered by health education: the preservation of health and the quality of life, human sexuality, the prevention of addiction, the culture of social communication, and the prevention of violent behaviour).

SUICIDE PREVENTION

The data held by the Ministry of the Interior show that in 2009 a total of 60 children attempted suicide, of whom 12 were younger than 14. Three of 11 children who committed suicide were younger than 14. The availability of psychological and psychiatric support for children is imperative for suicide prevention, which has yet to be recognised in our society. In her opinion regarding the Proposal of a Programme for the Prevention of Suicide in Children and Youth, drafted by the Ministry of Health and Social Welfare (July 2009), the Ombudsperson proposed urgent measures: immediate provision of counselling, therapeutic and medical assistance to parents and children at counselling centres and community health centres, with activation and involvement of available staff, primarily psychologists and psychiatrists; formation of mobile teams – counselling services; implementation of "discreet preventive programmes" in schools.

PROTECTING CHILDREN FROM ADDICTION

The Office of the Ombudsperson for Children has been continually pointing to the need for ensuring a more effective implementation of preventive programmes, and also to the provisions of the Catering Act and the Trade Act, pursuant to which it is forbidden to serve and allow the consumption of alcoholic beverages to persons younger than 18 in catering establishments, and to sell alcoholic beverages to these persons. What we find problematic is society's permissive attitude toward alcohol consumption, widespread advertising of alcohol, and inadequate preventive activities. The Ombudsperson proposed that the draft of a new Maintenance of Public Order Act should contain a provision whereby consumption of alcoholic beverages by minors in public should be treated as a misdemeanour, which would open the possibility of undertaking correctional measures.

Apart from alcohol, tobacco and drugs, the problem of addiction is with increasing frequency also associated with gambling, betting and computer games. The problem of addiction cannot be solved only by penalties. Rather, it is important to offer children content that would remove them from the sources of addiction, organise their free time in a meaningful manner, and implement preventive programmes on a continuous basis.

RIGHT TO A HEALTHY ENVIRONMENT

In 2009 as well the Ombudsperson for Children proceeded upon complaints by citizens, parents and children, about air and environment pollution in certain areas, and proposed urgent actions aimed at removing harmful consequences. Problems involving a low level of cleanliness and neglected public areas, parks and children's playgrounds have also been noticed.

LEVEL OF PROTECTION OF CHILDREN'S RIGHTS ON ISLANDS

During 2009, the Ombudsperson and her associates visited educational institutions on the islands of Vis, Mljet and Krk. On these occasions they noted many problems, such as poor traffic links with the mainland, poor offer of cultural activities on the island, a shortage of expert staff in the education and social welfare sectors, especially those capable of providing psychological counselling to children and parents, difficulties in terms of availability of pre-school education, a lack of school gyms and entertainment facilities for children and youth, and other difficulties arising from the geographical isolation of these areas.

PROTECTING CHILDREN SUBJECT TO ECONOMIC EXPLOITATION

We received 48 complaints regarding protection of children from economic exploitation and involvement in dangerous work, either at undertakings or while carrying out work practice in school. Twenty cases involving illegal work or employment of children by employers were notified to us by the State Inspectorate.

In a desire to provide as comprehensive as possible protection of **rights of vocational school students**, the Office of the Ombudsperson for Children organised an expert debate on this topic and became involved in the activities related to adopting a new Vocational Education Act. The Office also highlighted the need to harmonise the regulations governing the protection of property rights of children in relation to their sports or artistic activities. The Office once again stressed the need to protect **child beggars** and sent a recommendation to the Ministry of the Interior on the necessity of timely intervention. On the Office's website a leaflet "Protecting Child Beggars" was published, calling for citizens' co-operation in protecting this vulnerable group of children. Unfortunately, a protocol for handling cases of

gross neglect of the duty to care for and bring up children has still not been issued, which would, amongst other things, regulate proceedings in protecting child beggars.

ADVERTISING AND PROTECTING THE RIGHTS OF CHILDREN AS CONSUMERS

We received 18 complaints relating to advertising messages appearing on television, in printed media or on street posters. Complaints referring to adverts in electronic media were about values they promoted, the exploitation of child naivety, and inappropriate content of adverts broadcast during children TV shows. In our opinion, a particular problem is television advertising of beverages containing alcohol, to which the Ombudsperson has often brought the attention of the public. Our efforts aimed at banning and preventing pornographic content from being published in daily newspapers have not been successful.

RIGHT TO PRIVACY

As many as 40 individual complaints related to violations of the right to privacy, in particular, in connection with the media and the Internet, protection of personal data and records on children, protection from unauthorised recording (video surveillance, taking photographs and video recording); protection of privacy under special laws (the Protection of Patients Act, the Personal Name Act, the Criminal Code, etc.). In promoting the protection of children's privacy, it is important to keep up with the new technologies, inform the public and raise its awareness, and, in this connection, the Agency for the Protection of Personal Data, as the competent authority, plays a very important role.

PROTECTING CHILDREN FROM VIOLENCE VIA THE INTERNET AND MOBILE PHONES

The Office of the Ombudsperson proceeded upon six individual cases of violence against children committed via the Internet, four of which referred to violence among children, and two to violence committed by adults against children. Five complaints concerned verbal violence and threats, and one was about sexual violence via the Internet. Since this problem is on the rise, it requires an urgent response of the entire society, both on the legislative and on the practical level, and especially in the area of prevention. So far, **preventive programmes** for the protection of children using the Internet in schools have been rare and isolated. Online services through which children could report violence on the Internet are lacking. In this area as well, it is necessary to support programmes that have been subject to evaluation, such as UNICEF's "Break the Chain" programme, which should be adapted and implemented in all educational institutions.

THE MEDIA AND PROTECTION AND PROMOTION OF CHILDREN'S RIGHTS

When it comes to keeping abreast of the developments in the media, the Ombudsperson is mainly focussed on protecting children's privacy, protecting children from potentially harmful content, preventing exploitation of children in advertising and political campaigns, the availability of appropriate information, and participation of children in the media. Despite journalists' positive views regarding children's rights, children are often subjects of sensationalist reports, with certain journalists and editors completely neglecting their obligation to protect the child's privacy, thus ignoring both the laws and the Journalists' Code of Ethics. Through numerous public appearances, presentations given at expert meetings and initiatives for legislative amendments, the Ombudsperson has been making continuous efforts to raise the level of protection of children's privacy in the media. The Office of the Ombudsperson published and presented the collection of papers entitled "The Protection of Children's Privacy in the Media", continued its co-operation with the Croatian

Journalists' Association in supplementing the provisions of the Code of Ethics of Croatian Journalists insofar as they related to the protection of children's privacy, participated in the process of adoption of the new Electronic Media Act. During the reporting year, we received many complaints relating to exposure of children to inappropriate content on the Internet and TV, as well as in printed media, cinemas and computer games. Complaints regarding inappropriate treatment of children in certain TV shows prompted the Ombudsperson to invite the Croatian Psychological Chamber for co-operation in drafting professional guidelines for protecting children's welfare in the media.

CHILD-FRIENDLY JUSTICE

For many years, the Office of the Ombudsperson has been advocating the need for improved regulation of the protection of children participating in judicial proceedings, whether as perpetrators of criminal or misdemeanour offences, or as victims or witnesses in criminal or other judicial proceedings. Referring to the position of children within the judicial system, we sent many recommendations to competent bodies aimed at making the judicial system genuinely friendly to children. Recommendations were sent regarding the improvement of conditions in terms of staff, premises and organisation and, in particular, regarding the need to establish services for support and assistance to child victims and witnesses, the need for adjustment of court premises to make them suitable to accommodate children, formation of specialised family courts, introduction of licences for attorneys representing children, the need to provide on-going training to judges and establish special expert services at courts charged with passing decisions related to protection under family law, the need to equip centres of social welfare with qualified staff. Many proposals for legislative amendments have also been put forward.

The Office of the Ombudsperson for Children organised the Annual Conference of the Children's Rights Ombudspersons' Network in South and Eastern Europe (CRONSEE) entitled "Children and Disputed Divorces – Access for Children to National, International and European Justice". At the Conference, the adoption of a new optional protocol to the Convention on the Rights of the Child was officially endorsed. This protocol would enable children to file complaints to the UN Committee on the Rights of the Child in situations when national systems fail to provide appropriate protection of children's rights. The Office of the Ombudsperson for Children also launched co-operation with the International Juvenile Justice Observatory (IJJO), an international network for the exchange of information regarding the position of children in trouble with the law, and it also participates in the CURE Project – "Children in the Union – Rights and Empowerment". The goal of the project is to raise the awareness of special needs of children within the criminal justice system, and of measures taken in this regard by Member States. At the invitation of the Ministry of the Interior, the Office of the Ombudsperson for Children has joined the twinning project run by the European Union entitled "Capacity Building in the Field of Fight against Sexual Exploitation and Sexual Abuse of Children, and on Police Assistance to Vulnerable Crime Victims".

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

As in previous years, the Office of the Ombudsperson for Children was actively involved in implementing the measures from the National Action Plan for the Rights and Interests of Children 2006-2012. We organised around ten expert debates, conferences, round table discussions and forums in order to raise public awareness about the need to protect

children's rights. Many presentations were held for journalists, psychologists, social workers, staff of educational institutions and other experts working directly with children. Co-operation was realised with various faculties, and lectures were held for university students on the subject of the protection of children's rights. Although a large number of adopted measures have been implemented, it is worrying that many extremely important ones have not. Neither have important strategic documents been drafted yet, i.e. the National Strategy for the Protection of Children from Abuse and Neglect and the National Plan against Sexual Exploitation of Children. Another worrying fact is that a protocol for handling cases of gross neglect of the duty to care for and bring up children incumbent on parents, adopters, guardians or other persons has not been adopted yet, that no preventive and intervention programmes for the protection of children from all forms of abuse and neglect have been developed, that a Catalogue of Expertise for professionals responsible for protecting children from abuse and neglect has not been drafted, nor a programme of permanent professional training for experts responsible for protecting children from abuse and neglect.

PROGRAMME OF ACTIVITIES FOR PREVENTING VIOLENCE AMONG YOUNG PEOPLE FOR 2009

In June 2009 the Government of the Republic of Croatia adopted the Programme of Activities for Preventing Violence among Young People for 2009. The Programme lays down priority measures aimed at preventing new cases of violence, training professionals working with young people, raising the awareness of the public, parents and young people about the harmfulness of violence among young people, and sensitising the general public about the problem of violence among young people. The Office of the Ombudsperson for Children proposed to the Government of the Republic of Croatia to amend the Programme, which now provides that the Ministry of Science, Education and Sports, the Ministry of Health and Social Welfare, and the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, in co-operation with the Ombudsperson for Children, have the duty to *"encourage and designate institutions responsible for implementing the measure of 'extended professional treatment' on the entire territory of the Republic of Croatia, as a special form of preventive work with children exhibiting risky behaviour or coming from families at risk"*.

For the purpose of implementing the aforesaid measure, the Office of the Ombudsperson for Children organised four meetings with representatives of three ministries. They discussed the existing programmes, i.e. the **professional treatment programme, which was implemented in social welfare organisations**, and the **programme for the educational measure involving extended professional treatment, which was implemented in schools**. A dualism was noted in these two programmes, so fears were raised over their interpretation. Discussions about their implementation are still in progress.

CAMPAIGNS FOR PROMOTING THE PREVENTION OF ABUSE

Since 2007 the Office of the Ombudsperson for Children has been a member of the International Coalition for Preventing Child Abuse, organised by the Women's World Summit Foundation (WWSF). With a view to promoting the idea of marking 19 November – World Day for the Prevention of Child Abuse, in 2008 the international jury of the WWSF awarded the Office of the Ombudsperson for Children the first prize which included a cash element. The Office donated this money to the Graphic Design Department of the School of Applied Arts and Design in Zagreb, and in 2009 it invited students to design posters that would promote the idea of importance of abuse prevention among young people. We selected one

of students' works for our official poster for the World Day for the Prevention of Child Abuse, printed it in 5,000 copies and, in co-operation with *Školske novine* (School Journal), distributed it to all educational institutions.

WARNINGS, PROPOSALS AND RECOMMENDATIONS FOR PREVENTING HARMFUL ACTS

During 2009, the Ombudsperson sent certain state and local administration bodies, amongst other things, the following warnings, proposals and recommendations:

Judicial system

Protection of children's rights and wellbeing in judicial proceedings

Concerned about the conduct of a judge in charge of paternity proceedings who ordered that a six-year old must be present during the exhumation of his late father, the Ombudsperson sent a recommendation to the Ministry of Justice stressing the need to raise judges' awareness of the need to recognise and protect children's rights and wellbeing in all proceedings in which children participate as parties, as well as also in those in which their rights and interests are determined.

Ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

Croatia acceded to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse at the Council of Europe's Conference of Ministers of Justice held in Lanzarote in 2007. The Convention has been signed by 36 countries, but it has not entered into force yet because of insufficient number of ratifications. Therefore, we recommended to the Ministry of Justice to take activities within its competence with the aim of adopting a law by which Croatia would ratify this Convention.

Maintenance proceedings

A recommendation was sent to the Ministry of Justice and the Supreme Court about the need to standardise case law and organise appropriate training for judges. This was done because a lack of uniformity of court practices was noted in connection with procedures for issuing a temporary child support order and with instituting enforcement proceedings *ex officio* in this type of cases, as a result of which children are deprived of their fundamental right to maintenance. The Ministry of Health and Social Welfare was sent a recommendation to ensure a sufficient number of expert staff in order for centres of social welfare to be able to fulfil their duties efficiently in protecting children's rights and wellbeing.

Violence

Assistance and support for children who are victims or witnesses of criminal offences

We recommended to the Ministry of Justice to take urgent measures to ensure the provision of assistance to children and minors who are victims or witnesses of criminal offences, during judicial proceedings. We also recommended standardisation of procedures for interrogation of child victims or witnesses, since child interrogation techniques used by expert associates and judges were considerably divergent, especially in terms of use of technical equipment, presence of professionals during interrogation, and the possibility of interrogating children outside of court premises. We emphasised that it was necessary to provide child victims and witnesses with support and assistance on a systematic basis, and to create an integral network of support and assistance services, not only in the case of violent

offences within the jurisdiction of county courts, but also of those within the jurisdiction of municipal and misdemeanour courts. We also recommended that a sufficient number of expert associates and adequate facilities for individual work with children should be provided, which is indispensable for high-quality and professional treatment of abused and traumatised children.

Protection of children with behavioural disorders

A network of institutions for children with behavioural disorders

We sent a recommendation to the Ministry of Health and Social Welfare about the need for establishing a network of children's homes, which will be able to provide differentiated treatment in line with each child's needs/risks, and for creating a network of institutions categorised by the severity of behavioural disorders. We recommended that children with behavioural disorders and those suffering from multiple psychological problems, who live in children's homes, should be provided with more adequate treatment in special institutions or departments; that staff should be hired at centres of social welfare and institutions in sufficient numbers and with appropriate educational background; that additional teams consisting of psychologists and psychotherapists should be engaged to work in children's homes; that systematic and on-going training for experts working in children's homes and centres for social welfare should be organised; that an evaluation, licensing and career promotion scheme should be introduced; that supervision of expert workers should be introduced and measures undertaken to improve the reception of children once they leave the institution.

Education

Recommendations on the occasion of the beginning of the school year

On the occasion of the beginning of the school year, we sent a recommendation to the Ministry of Science, Education and Sports whereby we reminded them of the Ombudsperson's previous recommendations relating to children's educational rights. Thus, we reminded them of the following recommendations: *Violence in educational establishments, Transportation of pupils, Children's right to receive information about school-leaving examinations (State Matura), Protection of privacy, Rights of children with disabilities, Rights of children belonging to national minorities, Partnership with parents/providing information to parents and pupils, Worrying attitudes of adults to children – promoting affirmative attitudes, Monitoring and evaluating the work of educational staff, Rights of children as members of the social community, and Marking the 20th anniversary of the Convention on the Rights of the Child.*

Transportation of pupils

We recommended to the Ministry of Science, Education and Sports to review its decision to restrict the right to free transportation for secondary school students and to adopt a more suitable solution.

We also recommended to the Ministry of the Interior and the Ministry of the Sea, Transport and Infrastructure to conduct an urgent investigation into whether all school busses meet the prescribed requirements, since in some communities busses for transportation of primary school pupils are older than 20 years and do not comply with safety requirements.

The right of children on islands to high-quality education

The Ministry of Science, Education and Sports was recommended to examine the situation in schools on islands in terms of availability of teaching staff, and to consider possibilities of introducing employment incentives in order to protect the right of children living on islands to receive high-quality education. It was recommended to the Ministry and the Education and Teacher Training Agency to encourage and monitor **professional training for the staff of educational establishments on islands**.

The media

Supervising the content of advertisements that may be harmful to children

We recommended to the Council for Electronic Media to carry out supervision of the content of advertisements that may be harmful to children, and especially beer advertisements. They were also requested to evaluate the efficiency of the age rating system for television programmes, and to analyse compliance with the Ordinance on the actions to be undertaken by television broadcasters for the purpose of protecting minors.

The importance of children's and pupils' magazines for promoting children's rights

It was recommended to the Ministry of Science, Education and Sports and the units of regional and local government that they should offer material and expert support for pupils' magazines, to affirm their role in promoting children's rights. A proposal was made to the Ministry that they should introduce media education content at all levels of education, and offer support for children's and school libraries for them to be able to ensure high-quality reading material for children and youth, including the material relating to children's rights.

Other

Property interests of children

We addressed a recommendation to the Ministry of Health and Social Welfare in which we recommended to them that they should review the opinion they had sent to centres of social welfare regarding disposal of children's property by their parents, whereby parents can dispose of children's money without obtaining approval from the centre of social welfare up to the amount of HRK 10,000 per month, which significantly exceeds the average monthly salary. We believe that it would be more acceptable to link such payments to the average needs of a child or the minimum amount required for monthly maintenance of a child, as prescribed by the Family Act.

The most vulnerable groups of children and preventing a negative impact of "austerity measures"

In July we made a plea to the Government of the Republic of Croatia to adopt an operational plan for the protection of the most vulnerable groups of children in the process of adopting austerity measures, which should define specific measures to be taken on the national and local levels. Our intention was to encourage preparation of an analysis of expected consequences of anti-recession measures on families and children, to be followed by plans to introduce specific, differentiated protective measures for some of the most vulnerable groups of children. However, no such plan was made.

Recommendation on protecting children from exploitation in political campaigns

We recommended to organisers of political rallies, parties and party candidates to take account of children's rights and to refrain from exploiting them by using them as "decorations" at party rallies and on politicians' election posters, and in political campaigns. The Ombudsperson called on the media to expose and criticise such practices.

Of other recommendations, we would like to single out the recommendation sent to the Government of the Republic of Croatia, the Ministry of Justice, the Ministry of Health and Social Welfare, the Ministry of Science, Education and Sports, the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity relating to comprehensive and systematic efforts **to prevent violence among young people**. We also sent a recommendation to the Government, competent ministries and the Institute for Public Health to undertake urgent actions in the area of **prevention of suicide among children**, we recommended **recruitment of expert associates – psychologists in primary schools**, and pointed to a **shortage of experts dealing with children** in many systems. A recommendation was sent to all universities in Croatia about introducing courses on children's rights in university curricula. We drew the attention of the Ministry of the Interior about the need for a timely and co-ordinated action in the area of protecting **children found to be begging**. We recommended to the Ministry of Finance to intensify supervision of compliance with the legal provisions **prohibiting children from participating in betting games** organised by various companies.

PARTICIPATION IN THE PROCESS OF DRAFTING PROPOSALS FOR REGULATIONS AND INITIATIVES TO ADOPT AMENDMENTS TO LAWS AND REGULATIONS

With its proposals and initiatives, the Office of the Ombudsperson for Children participated in the process of adoption of a total of 28 regulations. Some initiatives and proposals were endorsed and included in legislative texts, and some, to our regret, were not. We proposed amendments to the Constitution and participated in the procedure for adopting amendments to the Family Act, the Protection from Domestic Violence Act, the Courts Act, the Act on Misdemeanours against Public Order, the Act on Police Activities and Authorities, the Act on the Execution of Sanctions Imposed on Minors for Criminal Offences and Misdemeanours, the Execution of Prison Sentences Act, the Probation Act, the Criminal Code, the Rehabilitation and Criminal Records Act, the Vocational Education Act, the Primary and Secondary School Textbooks Act, the Aliens Act, the Social Welfare Act, the Explosive Substances Act, the Act on Amendments to the Credit Institutions Act, the Electronic Media Act, the Medically Assisted Procreation Act, the Act on Amendments to the Act on Preventing Disorderly Behaviour at Sporting Events, and the Labour Act. We also participated in the procedures for adopting the following regulations: the Ordinance on monitoring and grading school performance of primary and secondary school students, the Ordinance on carrying out employment mediation activities, and the National Framework Curriculum for Pre-school Education and General Mandatory Education in Primary and Secondary School. We proposed amendments to the Act on Permanent and Temporary Residence of Citizens, and participated in the activities of expert working groups charged with preparing a draft proposal of the Juvenile Courts Act, the Rehabilitation and Criminal Records Act, the Ordinance on criminal records, and the Protocol for Handling Children Separated from Parents – Foreign Citizens.

IMPLEMENTATION OF THE ANTI-DISCRIMINATION ACT

Since the commencement of implementation of the Anti-discrimination Act, the Ombudsperson has received three individual complaints about discrimination against children. Two of these complaints related to the area of social security, and one to the area of education. The complainants alleged discrimination on the grounds of ethnic origin, financial situation and disability, respectively. In two cases no discrimination was found, and these cases were treated as all other complaints about violations of children's rights. In connection with one case, which is currently pending before the Administrative Court, the Office of the Ombudsperson for Children had already sought and initiated amendments to subordinate regulations.

The Ombudsperson and her associates participated in the conference entitled "People's Ombudsman as the Central Anti-Discrimination Authority" and in a two-day seminar on the application of the Anti-discrimination Act, organised by the People's Ombudsman. A training session was organised internally for all the staff of the Office on the subjects of discrimination and implementation of the Anti-discrimination Act and, in particular, on some specific topics falling within the competence of the Ombudsperson. In April, the Deputy Ombudsperson participated in the international conference entitled "Anti-discrimination Legislation and Practice", organised as part of the project "Capacity Building and Raising Awareness of Judges and Public Prosecutors about the Anti-discrimination Legislation". In order to enable the Ombudsperson for Children to exercise efficiently her authority to protect children from all forms of discrimination and to participate in court proceedings in the role of an intervenor, conduct mediation proceedings or file class actions, it is necessary to equip the Office with more staff and provide funds to allow her to exercise the powers conferred on her by law.

VISITING RESIDENTIAL INSTITUTIONS FOR CHILDREN AND THOSE DEALING WITH CHILD PROTECTION

In the course of 2009 the staff of the Office of the Ombudsperson for Children visited 18 social welfare institutions, three institutions for victims of domestic violence, the Reception Centre for Asylum Seekers in Kutina, the Therapeutic Community "Reto Centre – Friends of Hope" in Trogir, 11 educational institutions, four pupils' hostels, four hospitals and five penal institutions.

During our visits to eight **homes for children without adequate parental care**, apart from basic information, i.e. information on activities, the number of children, residential capacity and personnel, the focus of our attention was on the following: a degree of participation of children in homes, incidence of violence in homes (peer violence and violence of adults against children); co-operation with centres of social welfare and the local community (kindergartens, health institutions, associations); conditions in homes in terms of space and the exercise of the right to privacy; training for the staff and presence of volunteers in homes. Duration of children's stay in homes is still excessively long, so a greater involvement of homes, CSWs and courts is required in order to shorten it.

We visited four social welfare institutions providing accommodation and education to **children with disabilities**. The available residential capacities of these institutions and the quality of accommodation they provide are significantly heterogeneous. A big problem is presented by the lack of psychiatric care, so the need for a full-time psychiatrist was identified. Possibilities for children's participation in the process of making decisions

affecting them were minimal, since the staff treats them very protectively, which does not encourage their involvement.

We visited five homes for children with behavioural disorders, an emergency reception facility, and a disciplinary centre. Residential conditions are adequate in all homes, with the exception of the Mali Lošinj Remand Home, much attention is devoted to education, and many leisure activities are organised. A shortage of psychologists and social pedagogues is felt in these homes, and counsellors sometimes find it difficult to meet the professional requirements for work with children with behavioural disorders. Co-operation with centres of social welfare was found to be insufficient. Children perceive their participation in the work of the home's council only as a formality. The staff of these institutions is on the whole dissatisfied with their status, and think that they do not receive sufficient support from the system.

The **Reception Centre for Asylum Seekers** houses children of foreign citizens seeking asylum, most frequently together with their families, but it also provides accommodation to unaccompanied children found attempting to cross the border illegally or found on the territory of Croatia. Reception of children is organised in accordance with the Protocol for Handling Children Separated from Parents – Foreign Citizens, entered into between the Ministry of the Interior and the Ministry of Health and Social Welfare, in whose drafting the Office of the Ombudsperson for Children was actively involved. It is difficult to protect these children because they often run away from the institution. A special problem is how to find persons who could be appointed as special guardians for unaccompanied children. Accommodation of these children should be organised in a special department within the shelter for asylum seekers, which would be physically separated from the facilities used by adults.

VISITS TO EDUCATIONAL INSTITUTIONS

We visited 11 educational institutions, i.e. three kindergartens, six primary and two secondary schools, and inspected their facilities, talked with the staff and the children, and especially with members of Pupils' Councils. Pursuant to the schedule of visits to educational institutions on islands, in 2009 we visited two kindergartens, three primary schools and one secondary school on an island, and one school located in a mountainous region.

Secondary students' hostels

In four secondary students' hostels an inspection was made of the conditions of children's stay, the ratio between the number of children and employees, and their working methods, with an emphasis on participation of children in decision-making, leisure activities, special programmes and educational work, and co-operation with parents and the local community. The hostels visited come across as institutions taking good care of children, supervising children, providing them with learning assistance, organising leisure activities for them, and offering necessary support to them. However, one counsellor is in charge of a group of more than 20 children. Children participate in the operation of institutions, but not in all hostels to the same extent.

VISITS TO HEALTH INSTITUTIONS

We visited four general hospitals and, in particular, their children's wards, in an attempt to establish whether their organisational, residential and personnel conditions are compatible with children's needs. These hospitals give the necessary attention to the appearance of

common areas used by children and patient rooms at children's wards, which are tailored to meet children's needs. None of them has a psychiatric ward to provide in-patient care to children, nor a child psychiatrist on the staff. There is a need to organise supervision of hospital staff, and parents and children are not given the opportunity to evaluate the conditions and services provided, or to express their opinions about hospital stay.

VISITS TO PENAL INSTITUTIONS AND CORRECTIONAL INSTITUTES

The staff of the Office visited Osijek Prison, Bjelovar Prison, Glina Penitentiary, Požega Penitentiary – sections for women, men and minors, and Požega Correctional Institute for Minor Girls.

Penal institutions – The visits to penitentiaries and prisons revealed that the prison system had implemented the majority of the Ombudsperson's previous recommendations related to improving the facilities where inmates may spend time with their children. In every penal institution, a special area for children's visits was arranged, with child-friendly furniture and painted walls, and in which toys and creative materials are offered to children, but they were found to be poorly equipped. We also noted that the employees of penal institutions had become more aware of children of persons deprived of liberty, and that the number of open visits and direct contacts between inmates and their children had increased. Due to large numbers of inmates and many obligations relating to treatment of inmates, the expert workers are unable to deal with children effectively. We recommended recruitment of more experts in the treatment services and continued introduction of responsible parenthood programmes and other special programmes in penal institutions, in co-operation with civil society organisations.

Juvenile detention – Despite legal provisions, juvenile judges and representatives of centres of social welfare fail to visit detained minors on a regular basis. Due to overpopulation and cramped space, minors share cells with adult detainees, subject to prior consent and approval of the competent judge. In distinction from adult inmates, detained minors may spend more time outdoors, and are entitled to more frequent contacts with their families and a richer diet.

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

EXPERT MEETINGS AND EVENTS ORGANISED BY THE OFFICE

The Office of the Ombudsperson for Children organised and hosted two international conferences and five expert debates, presented two self-published collections of papers delivered at expert debates held in the previous years, organised a press conference and an exhibition of students' works – child abuse prevention posters, in co-operation the School of Applied Arts and Design in Zagreb.

PUBLISHING PROJECTS

In 2009 the Office of the Ombudsperson published the collections of papers entitled "*The Protection of Children's Privacy in the Media*" and "*The Rights of Children whose Parents are in Prison*", a catalogue of the exhibition of work of students of the Graphic Design Department of the School of Applied Arts and Design "*19 November – World Day for the Prevention of Child Abuse*", and printed the Office's official posters on children's rights created by Sanja Rešček in 4,000 copies and a poster on "*19 November – World Day for the*

Prevention of Child Abuse", created by Borna Aaron Grčević, a student of the School of Applied Arts and Design in Zagreb, in 5,000 copies.

PRESENTATIONS AND PARTICIPATION, PUBLISHED TEXTS

In 2009 the Ombudsperson, her deputies and advisers held 60 presentations and workshops, published about thirty texts – in the collections of papers published by the Office, publications of other publishers and in the press. They covered numerous topics, e.g. protecting children from violence and neglect, children's right to parental care, health and educational rights and the right to leisure time, play and sport, protecting children's privacy in the media, the rights of children with disabilities and behavioural disorders, the right to participation, etc.

CO-OPERATION WITH INSTITUTIONS, PROFESSIONAL ASSOCIATIONS, NON-GOVERNMENTAL AND OTHER ORGANISATIONS

The Ombudsperson co-operates with many institutions, professional associations, non-governmental and other organisations, scholars and prominent experts. She is involved in the work of the Committee on the Family, Youth and Sports, the Committee on Human Rights and the Rights of National Minorities, the Committee on Gender Equality, and other parliamentary committees, in a desire to initiate improvements of some statutory arrangements relating to children. Co-operation with the People's Ombudsman, the Ombudsperson for Persons with Disabilities and the Ombudsperson for Gender Equality has been enhanced, especially in the area of the prevention of discrimination. Co-operation with the ministries has continued, but it should be stepped up in the area of practical implementation of prescribed measures and plans.

INTERNATIONAL CO-OPERATION

In 2009 the Office of the Ombudsperson for Children continued its activities on the international level. It was engaged in multilateral co-operation, primarily with children's ombudspersons from Europe and, in particular, from South Eastern Europe. It also had many bilateral meetings and contacts, organised two international conferences and participated in six international conferences organised by others. We had a very good co-operation with the international non-governmental organisation *Save the Children Norway South Eastern Europe* from Sarajevo in connection with the project of the Children's Rights Ombudspersons' Network in South and Eastern Europe. We co-operated with the following international organisations, associations and bodies, and participated in the following projects: the European Network of Ombudspersons for Children, the Children's Rights Ombudspersons' Network in South and Eastern Europe, the Council of Europe's Platform on Children's Rights, the European Committee for Children of Imprisoned Parents, the European Commission, the United Nations Development Programme, Human Rights Watch, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the International Juvenile Justice Observatory, the Women's World Summit Foundation, the Children in the Union – Rights and Empowerment Project, the "Capacity Building in the Field of Fight against Sexual Exploitation and Sexual Abuse of Children, and on Police Assistance to Vulnerable Crime Victims" Project, the UNICEF, and the International Step by Step Association.

WORK OF REGIONAL OFFICES

As well as in Zagreb, since 2007 the Office of the Ombudspersons has also been operating in Split, Rijeka and Osijek where various aspects of protection of children's rights are addressed by a relatively small number of advisers, on a multidisciplinary basis. When it comes to promoting children's rights, the territorial approach is applied, whereas individual complaints of violations of children's rights and proposals for comprehensive protection of children's rights are dealt with according to the functional principle, i.e. according to the expertise and professional experience of advisers, regardless of the region from which the child comes. The largest number of complaints in all regions refers to violations of children's individual rights – the right to live with parents and enjoy parental care and the right to protection from violence, followed by violations of educational rights.

A total of 130 complaints were received from five counties covered by the Osijek Office and, in particular, 64 from the Osijek-Baranja County, 32 from the Vukovar-Srijem County, 17 from Požega-Slavonia County, 16 from the Brod-Posavina County, and one from the Virovitica-Podravina County. In the area covered by the Rijeka Office a total of 198 complaints were received of which 138 from the Primorje-Gorski Kotar County, 48 from the Istria County, and 12 from the Lika-Senj County. A total of 173 complaints were received from the area covered by the Split Office and, in particular, 102 from the Split-Dalmatia County, 32 from the Zadar County, 21 from the Dubrovnik-Neretva County, and 18 from the Šibenik-Knin County. A total of 432 complaints came from the area covered by the Zagreb Office, 208 of which relates to the City of Zagreb, 78 to the Zagreb County, 42 to the Sisak-Moslavina County, 16 to the Bilogora-Bjelovar County, 15 to the Koprivnica-Križevci County, 17 to the Karlovac County, 13 to the Krapina-Zagorje County, 18 to the Međimurje County, and 25 to the Varaždin County. In 110 complaints there was no information about county, while seven complaints were received from abroad.

ORGANISATION AND FINANCES OF THE OFFICE OF THE OMBUDSPERSON FOR CHILDREN

ORGANISATION

Along with the Ombudsperson and her two deputies, the Office currently employs 16 civil servants, falling short of the required staffing levels (23). Three of these 16 staff members were employed in December 2008, January 2009 and February 2009 following vacancy announcement procedures. The Office of the Ombudsperson for Children operates in four cities: Zagreb, Split, Rijeka and Osijek. Our Zagreb and Split premises are owned by the Republic of Croatia and allocated for our use, but in view of the number of employees and activities carried out, our Zagreb premises have proved to be too small. The premises used by our Rijeka Office were leased from the City of Rijeka. In Osijek, we first used the premises of the Harbour Master's Office on a temporary basis, and in February 2010 our Osijek Office began operating in new premises allocated for our use by the Government of the Republic of Croatia, which we had refurbished during 2009. The problem of the lack of premises for our Zagreb and Osijek offices was dealt with in co-operation with the Central State Office for Managing State-Owned Property. In October 2009, we were allocated undeveloped office space owned by the Republic of Croatia, of the total floor area 407.62 m², located in Zagreb, Teslina 10, 1st and 2nd floors.

FINANCES

In accordance with the programme of work and development plan of the Office, the budget of the Office of the Ombudsperson for Children for 2009 was HRK 5,714,232.00. Of the total 2009 budget executed (HRK 5,684,842), 62.59% (HRK 3,558,571.26) was spent for staff-related expenditures, 34.45% (HRK 1,958,792.94) for material costs, of which the services of current and investment maintenance had the greatest share, i.e. HRK 492,984.58 (25.16%), due to refurbishment of our Osijek premises. A total of 1.56% funds (HRK 88,989.79) were spent for purchasing IT and other equipment for the Office, and the greatest share of these funds (42.13% or HRK 37,498.47) were spent to purchase office furniture for the Osijek Office, as well as IT equipment – 38.66% (HRK 34,410.26). The funds allocated for the new project A739008 – "Protecting children's rights in divorce proceedings" were spent in full, and they accounted for 1.38% of the Office's total 2009 executed budget.

CONCLUSION

In 2009 children's rights were most threatened in the areas of protection from violence and neglect and in the area of family relationships and parental care, so our activities were mostly focussed on eliminating harmful consequences of violence or neglect and low-quality family relationships, mainly caused by disputed divorces. The systems responsible for protecting children from violence and those charged with protecting children who suffer as a result of disputed divorces did not prove to be up to the task in 2009 either. The impression is gained that they were addressing problems merely on a formal level rather than with a desire to protect children efficiently.

There is still no systematic expert support for parents in bringing up their children and catering for their needs, either in the form of appropriate training or counselling, and timely responses to situations when families do not function well are still lacking. Therefore, it is necessary to strengthen the role and functions of family centres, which should establish regular co-operation with centres of social welfare, especially when it comes to resolving problems of conflicting family relationships and other complex family situations.

We are still witnesses to weaknesses in the social welfare system, and particularly to inadequate involvement of certain individuals, whose erroneous and shallow assessments and actions sometimes lead to the malfunctioning of the child protection system. Centres of social welfare are burdened with many obligations, and the quality of their work, with praiseworthy exceptions, is not satisfactory. The competent ministry's failure to provide adequate support and maintain a co-operative relationship with social welfare institutions leads to them being insecure in making decisions, which is reflected on the quality of care for children. Children without adequate parental care remain in institutions too long, and the quality of care and treatment they receive in children's homes and foster families is often questionable due to insufficiently effective supervision. For this reason, it is necessary to organise on-going training for the staff of the institutions providing care to children, introduce mandatory supervision, expert support, and licences for work.

Failure to meet prescribed time limits in delivering court decisions involving children and delays of proceedings, which keep children in suspense for too long, is still present at some courts. This is yet another reminder of why the judicial reform must be implemented at the earliest opportunity and why family courts, capable of protecting children's rights more efficiently, should be established throughout Croatia.

Despite being banned by law, corporal punishment of children, within or outside the family, is still justified and tolerated, and competent authorities fail to respond to this problem adequately. In relation to safeguarding children from all forms of violence, a lack of effective preventive programmes has been noted, as has poor co-ordination of all the systems involved, and absence of continuous work with both victims and perpetrators of violence and of their treatment.

Society's reactions to various forms of behavioural disorders in children and young people are too often worrying. Children are too readily held fully and exclusively liable for their behaviour, but it is overlooked that such behaviour is frequently a reflection of family and society in general, which often do not offer positive behaviour models to children. The system of intervention and the network of institutions for children with behavioural disorders continue to fail to meet children's actual needs. Homes for children with behavioural disorders feel the consequences of a long period of non-investment in residential capacities and expert staff, so they do not offer a good alternative to family and fail to meet their purpose, i.e. to correct children's behaviour and help them integrate in society.

Insufficient investments in health and problems of the health system endanger the health rights and protection of children. We noted a lack of specialised wards for children in need of psychiatric care and of psychologists in the health system, as well as an insufficient number of health workers in general and, in particular, those charged with protecting children's mental health. The state should urgently direct its efforts towards preventive activities aimed at safeguarding children's mental health, providing professional training to adults, and empowering children in this area.

In the educational system, many staff members are insufficiently sensitised to the problem of violence and aware of their obligations and possibilities of responding to this problem efficiently. Communication between schools, centres of social welfare and parents is confined to written reports, without genuine co-operation and agreement, which results in un-coordinated and ineffective measures.

Inappropriate and unethical conduct of individual counsellors, teachers and principals, for which they bear no consequences, places children's rights in an even greater danger. Such conduct damages the reputation of other educational workers, who perform their jobs with dedication and call for scrupulous evaluation of everyone's work. Therefore, we would like to repeat that introduction of licences and enhancement of inspection and supervisory services should be considered priorities in the coming period.

Many children with disabilities were unable to attend regular educational institutions due to too many children enrolled in kindergarten groups or classes, non-regulated status of teaching assistants, and architectural, personnel and other barriers. The biggest obstacle to implementing inclusion of children with disabilities is a combination of social, cultural and physical barriers and negative attitudes they encounter on a daily basis. Therefore, the state must insist on finding more effective solutions to preventing or mitigating the consequences of their health damage and eliminating prejudices inherent in society.

Children's right to participate in making decisions that affect them, within the family, in school, other institutions and bodies and in the wider community have not been sufficiently implemented. Children's right to freedom of expression and participation in the decision-

making process, especially in court and administrative proceedings and policies and programmes relating to children is not visible enough.

Efforts to provide children and young people with opportunities of spending leisure time have been neglected, as a result of which they spend a lot of time on the street or in bars where they reach for alcohol at a too young age, which ultimately increases the incidence of violent and other unacceptable forms of behaviour and is connected with putting in jeopardy their own or other people's lives. It is important to offer children the content that would remove them from sources of addiction, create conditions in which they would be able to use their leisure time in a meaningful way, and implement (and evaluate) preventive programmes on a continuing basis.

It is also worrying that the media mostly portray children as victims or perpetrators of violence. Due to too frequent violations of children's right to privacy, their exposure to harmful media influences and a lack of positive media content designed for children it is necessary to finally define an integral media policy for children in Croatia, which would include protective mechanisms and incentives for developing children's media rights.

The impoverishment of the population affects the quality of life of children and compromises many of their rights, and sometimes even their right to survival. In the current situation the state should adopt an operational plan for protecting the most vulnerable groups of children, containing measures to be taken on the state and local levels, and in this respect we believe that it is exceptionally important to introduce a special, "children's budget".

Although we have noted many positive developments in the realisation of children's rights, they are less a cause for satisfaction and more a reminder that there are many areas in which we should continue aligning our national legislation and practice with the principles and provisions of the Convention on the Rights of the Child. Unfortunately, a Report on the State of Children's Rights, due to be submitted by Croatia to the UN Committee on the Rights of the Child in October 2008, has not been submitted yet.



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