

SUMMARY OF ANNUAL ACTIVITIES 2009-2010
ENOC 14th ANNUAL CONFERENCE
7, 8 and 9th October 2010
Strasbourg, France

Name of the member institution:

The Ombudsperson for Children

Current Ombudsperson:

Mrs. Mila Jelavić

I. Role and structural organization

• Legal framework

The institution of the Ombudsperson for Children in Croatia was established in 2003 as the first specialized institution of its kind in the Republic of Croatia, with the aim of monitoring, protecting and promoting the rights and interests of children.

The institution was established by the Law on the Ombudsperson for Children, which was enacted by the Croatian National Parliament on 29 May 2003 and published in the Official Gazette.

Pursuant to Article 3 of the Law, the Ombudsperson for Children acts independently and autonomously and no one is allowed to instruct him/her or give orders.

The Ombudsperson for Children acts on the basis of complaints received, or on his/her own initiative, whether responding to individual violations of children's rights and interests, or in general.

The Ombudsperson for Children is appointed by the Croatian Parliament for a period of eight years, and can be reappointed.

• Principal functions as defined by law

Pursuant to Article 6 of the Law, the Ombudsman for Children:

- monitors whether the laws and other regulations in the Republic of Croatia, relating to the protection of the rights and interests of children, are in the line with the provisions of the Constitution of the Republic of Croatia, the Convention on the Rights of the Child, and other international documents relating to the protection of the rights and interests of children,
- monitors whether the Republic of Croatia fulfills its obligation under the Convention on the Rights of the Child and other international documents relating to the protection of the rights and interests of children,
- monitors the implementation of all regulations relating to the protection of the rights and interests of children,
- monitors violation of individual rights of children and studies general aspects and types of violation of the rights and interests of children,
- makes efforts towards protection and promotion of the rights and interests of the disabled children,
- proposes measures aimed at creating an integrated system for the protection and promotion of the rights and interests of children and for the prevention of harmful actions threatening the rights and interests of children,
- informs the public about the state of the children's rights,
- informs and advises children on the manner of the realization and protection of their rights and interests, cooperates with children, encourages children to express their views and respects their opinion, initiates and participates in public activities aimed at improving the position of children and proposes measures to increase the influence of children in society, etc.

The state administration bodies, local and regional administration bodies, and legal and natural persons, have the obligation to cooperate with the Ombudsperson for Children and submit reports upon his/her demand, and give answers to his/her inquiries.

• Structural organization

Expert and administrative work for the Ombudsperson for Children has been performed in the Office of the Ombudsperson for Children.

The office is organized as a head office in Zagreb and three regional offices in different part of the country. The office is divided in two departments: Expert Service Department and General Service Department,

employing (altogether with the Ombudsperson and the Deputies) 19 persons in permanent positions. The Ombudsperson for Children has two Deputies, and currently in Zagreb (head office) work Ombudsperson for Children, two Deputies, six advisors, and four employees doing technical administration and accounting.

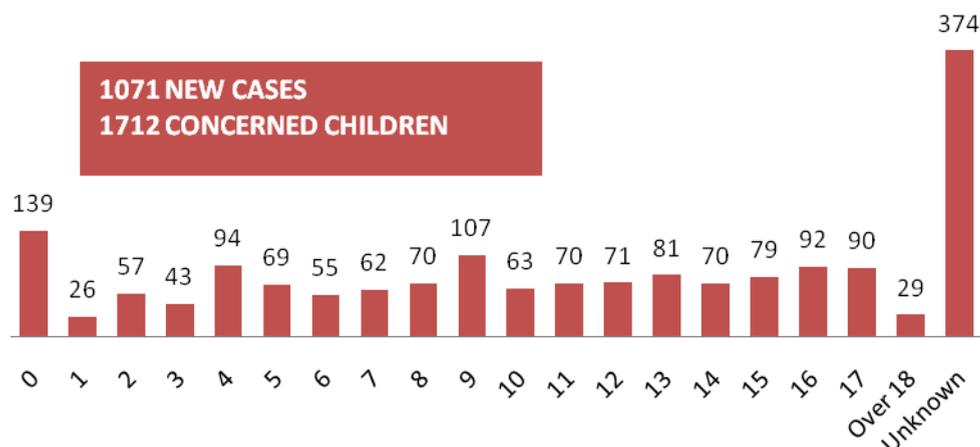
Staff consists of people with background in law, psychology, social and human sciences, media and information, financial matters and office management.

II. Individual complaints (if the institution has a competence to handle individual complaints)

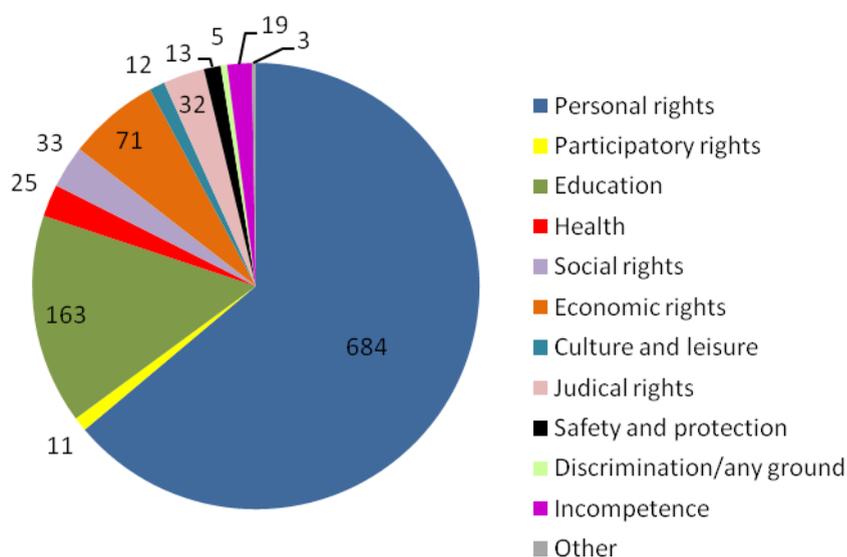
- Scope of competences of the Ombudsperson in handling individual complaints

Ombudsperson is entitled by law to:

- monitor violations of individual rights of children
- inform and advise children on the manner of the realization and protection of their rights and interests
- warn, give proposals and recommendations
- propose to the competent state administration bodies, local and regional administration bodies, and legal and natural persons the measures aimed at preventing harmful actions threatening the rights and interests of children and to demand the reports on performed activities
 - Should such bodies and persons fail to act in accordance with his/her demand for reports within prescribed period of time, the Ombudsman for Children shall inform the body in charge of monitoring their work about it.
 - Should the body in charge of monitoring fail to report within 8 days about the identified facts and performed measures, the Ombudsman for Children will inform the Government of the Republic of Croatia about it.
- has accessibility and insight into all data, information and files regarding to the rights and protection of children, regardless of their degree of confidentiality
- has the right to enter the premises and gain insight into the manner of providing care for children who are staying or have been temporarily or permanently accommodated with natural and legal persons and other legal entities on the basis of special regulations
- has authority to file a report to the competent Public Prosecution Office and inform the competent center for social welfare and propose measures for the protection of the rights and interests of the child, whenever informed that a child is being subject to physical or mental violence, sexual abuse, maltreatment or exploitation, negligence or careless treatment
- Relevant statistics (if available) on:
 - Number of cases for the year 2009-2010 or for a given period in between, From 1st September 2009 till 1st September 2010 we received **1071 NEW** individual complaints
 - Complaints' main authors. What is the percentage of complaints initiated by children, 60% of the complaints were submitted by parents, and 2% of the complaints were initiated by children
 - Age average of concerned children
 - Complaints concerned children of all ages.



■ Area of complaints (ex: situations relating to schools, social and housing problems etc.).



III. Expressed opinions, statements, policy recommendations and/or proposals for legislative and/or other reforms

Within the given period of time, in line with the statutory powers the Ombudsperson for Children participated very actively in these activities by:

- Giving opinions and proposals regarding the adoption of new legal regulations and amendments to the existing ones.

We participated in the activities of expert working groups in charge of preparing a draft proposal of the Juvenile Courts Act, the Rehabilitation and Criminal Records Act, the Ordinance on Criminal Records, and the Protocol on the Treatment of Children Separated from their Parents-Aliens.

We also proposed amendments of many act, such as the Constitution of the Republic of Croatia, the Courts Act, the Social Welfare Act, the Explosive Substances Act, etc. Some initiatives and proposals were endorsed and included in legislative texts, and some, to our regret, were not, but we will continue these activities by making every effort to improve children's rights and interests.

- Making a large number of general opinions and recommendations to the competent ministries, units of local and regional self-government and legal persons.

Some of these recommendations and opinions deals with protection of children's rights and wellbeing in judicial proceedings, protection of children's proprietary rights from the parental disposals, measures to prevent violence and suicide among children, protection of children found to be begging and children participating in betting games organized by various companies.

Furthermore, we made recommendations relating to rights of children belonging to national minorities, children with developmental problems, children with behavioral disorders, children whose parents are in prison, on corporal punishment of children, children and disputed divorces, on the length of stay in

children's homes, protection of children involved in sports, protection from addiction, violence via internet and mobile phones, economic exploitations etc.

We also initiated the establishment and functioning of the Child Protection Centre in Slavonia, for the protection of traumatized children, due to lack of experts and institutions which would be able to consolidate various approaches and experts focusing on protection of mental health of children, and concerned with the announced health system rationalization, we recommended protection of children rights and interests.

In the area of education, on the occasion of the beginning of the school year, we sent a recommendation to the competent bodies reminding them of the Ombudsperson's recommendations and opinions relating to children's educational rights. We also made recommendations concerning the situation in island schools after visiting many Croatian island schools, recommending better police protection, internet accessibility, lower travel costs and better access to activities and service, as well as better availability of experts such as psychologist and special educations.

IV. Research, investigation, studies

Throughout this period of time, 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 in the future will mostly be focused 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 caring for their needs, either in the form of appropriate training or counseling, 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 centers, which should establish regular co-operation with social welfare centers, 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. Social welfare centers 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 organize on-going training for the staff of the institutions providing care to children, introduce mandatory supervision, expert support, and licenses 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 behavioral disorders in children and young people are too often worrying. Children are too readily held fully and exclusively liable for their behavior, but it is overlooked that such behavior is frequently a reflection of family and society in general, which often do not offer positive behavior models to children. The system of intervention and the network of institutions for children with behavioral disorders continue to fail to meet children's actual needs. Homes for children with behavioral 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 behavior 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 specialized 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 sensitized to the problem of violence and aware of their obligations and possibilities of responding to this problem efficiently. Communication between schools, social welfare centers 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 counselors, 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 licenses and enhancement of inspection and supervisory services should be considered priorities in the coming period.

Many children with developmental problems 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 architectonic, personnel and other barriers. The biggest obstacle to implementing inclusion of children with developmental problems 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 behavior 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 realization 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.

V. Communication, Promotion and Publications

• Co-operation with the media

As in the previous period, from September 2009 to September 2010, the Office of the Ombudsperson for Children has had extensive daily contacts with the media, often on their initiative. Journalists are most often interested in the Ombudsperson's specific activities undertaken in relation to individual cases of violations of children's rights. They often ask the Ombudsperson to comment on particular phenomena in society which, in their opinion, might involve violations of children's rights, and seek interpretation and assessment of certain legislative provisions relating to children's rights.

On the other hand, the printed and electronic media (particularly radio), often publish the Ombudsperson's communications and appeals, and sometimes provide coverage of her initiatives over extended periods of time, if they think such initiatives will "appeal" to their audience. We are particularly glad when they pick out a topic from our annual report and explore it in more detail.

• Promotion

The Office of the Ombudsperson promotes its activities most frequently by issuing communications, and through the Ombudsperson's media appearances, as well as through expert debates and other meetings,

papers published in professional journals intended for professionals working with children and by organizing meetings with children in our Office and, more often, in schools, children's homes, children's hospital wards and in organizations and associations which bring children together. During our meetings with children we try to present the activities of the Office of the Ombudsperson for Children in a suitable manner and, by handing out posters, bookmarks, pocket calendars, memory cards and booklets containing the text of the Convention on the Rights of the Child (including its child-friendly version), we wish to promote children's rights and our institution.

• Publications

In the past year, the Office has published two collections of presentations made during expert discussion meetings organized by the Office of the Ombudsperson for Children. These are:

"The Rights of Children whose Parents are in Prison" and "Children and Disputed Divorces".

Just in 2009 the Ombudsperson for Children, 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 developmental problems and behavioral disorders, the right to participation, etc.

VI. Other activities

One of the priorities of the Office of the Ombudsperson for Children in 2009 and 2010 was to meet and co-operate with children with the aim of enhancing the influence of children in society. We have continued on performing activities regarding to our internal plan entitled "Strategy on Child Participation in the Office of the Ombudsperson for Children", to improve communication between children and the Ombudsperson, enhance the participation of children in society and allow them to have a say in decisions that affect them.

Also, 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, named "MMS" (Mreža mladih savjetnika)**. 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). Two of their representatives are attending our ENYA meeting.

In 2009 the Office of the Ombudsperson for Children became an active member of the EUROCHIPS, a network of European organizations 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), focused 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.

On 1 December 2009, the Office of the Ombudsperson for Children hosted a conference of the Children's Rights Ombudspersons' Network in South and Eastern Europe (CRONSEE) entitled: "The Right of Children to Have Their Views Respected - the Right to Participate". The co-organizer of the conference was the Norwegian organization Save the Children Norway, which has continuously supported the work of the Children's Rights Ombudspersons' Network in South and Eastern Europe since it was founded in 2006.