



Annual Report
on the Activities
of the Ombudsperson
for Children 2012
SUMMARY

March 2013, Zagreb

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GIVE

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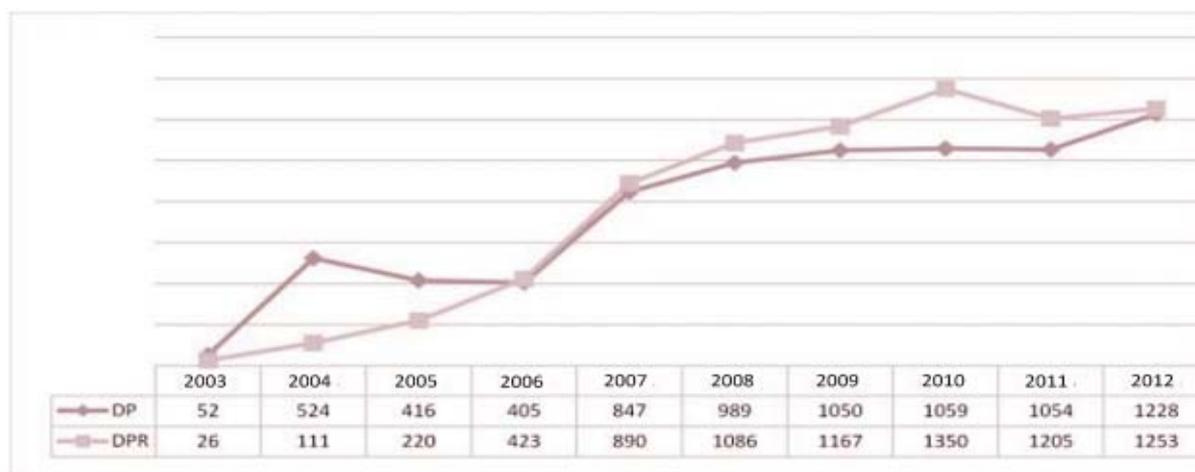
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1 Introduction

(4) The full text of the 2012 Annual Report on the Children's Ombudsperson's Activities, comprising 244 pages, provides not only an overview of the Ombudsperson's activities, but also an insight into the status of children's rights in the Republic of Croatia, based on complaints filed with this Office, encounters and interviews with children and their parents, and our collaboration with institutions, local communities, civil society organizations and others. The first part of the Report contains data and information on violations of children's individual rights, including their personal, educational, healthcare, social, economic, cultural and other rights. This is followed by a section on the Young Advisors Network to the Children's Ombudsperson and a section on proposals and recommendations for development of an integrated system for children's rights protection, outlining general initiatives undertaken by the Office, grouped into categories according to their specific subject of interest. The next section deals with the warnings, proposals and recommendations aimed at preventing harmful practices; it is followed by our proposals for amendments to regulations, a brief overview of inspections and tours of institutions and conditions in which children live or temporarily reside, and other activities related to protection and promotion of children's rights, including encounters and collaboration with children. We have also given an account of activities undertaken at the international level and, finally, an account of regional offices' activities, which have in 2012 marked five years of service, acting as an independent agency outside the state administrative headquarters. The Summary of the Annual Report provides a quick overview of all chapters. Due to the length of the Report, we have used abbreviations and acronyms, which are defined in the legend given at the end of the Report. Although we are well aware of the importance of gender equality, words and terms used in the text of the Report equally denote male and female persons for the purpose of easier readability. In 2012, 2481 new cases were opened; among these, 1228 were complaints related to violations of children's individual rights and 1253 were general initiatives launched by the Office.

Number of complaints related to individual instances of violations of children's rights (DP) and general initiatives (DPR) over a 10-year period



Complaints Related to Individual Instances of Violations of Children's Rights	2004	2005	2006	2007	2008	2009	2010	2011	2012
Personal Rights	363	282	244	557	635	625	687	636	753
Rights of Children as Members of Society		2	4	13	13	13	11	6	11
Educational Rights	43	31	56	105	121	187	153	159	161
Health Care Rights	10	15	10	22	32	35	21	25	28
Social Rights	21	23	14	26	31	48	29	43	42
Economic Rights	18	26	9	57	56	55	72	79	93
Cultural Rights	2	2	7	11	15	11	10	8	19
Rights in the Criminal Justice System	25	4	17	30	37	33	38	55	61
Child Safety and Protection						12	12	15	13
Discrimination						3	3	6	16
Cases Outside Our Jurisdiction						22	19	16	26
Other Cases	42	31	44	26	49	6	4	6	5
TOTAL	524	416	405	847	989	1050	1059	1054	1228

2 Monitoring and Documenting Individual Instances of Children's Rights Violations

Over the course of 2012 the Office of Children's Ombudsperson assessed 1933 complaints related to individual instances of children's rights violations. In addition to 705 cases carried forward from previous reporting periods, 1228 new complaints indicating potential violations of children's rights (affecting the total of 1825 children) were filed with the Office in 2012.

(5)

Violations of children's individual rights

Types of Individual Rights	Number of Pending Cases Carried Forward from Previous Years	Number of Cases Opened in 2012	Number of Children Involved (2012)
Personal Rights (Total)	432	753	1162
Rights of Children as Members of Society	5	11	14
Educational Rights	122	161	182
Health Care Rights	25	28	30
Social Rights	19	42	69
Economic Rights	60	93	174
Cultural Rights	3	19	23
Rights in the Criminal Justice System	24	61	72
Child Safety and Protection	9	13	31
Discrimination	2	16	29
Cases Outside Our Jurisdiction	1	26	32
Other Rights	3	5	7
TOTAL	705	1228	1825

The total number of individual cases does not include information, advice and instructions given to clients face-to-face (in the office premises) or by phone (1998), since these were mostly related to one-time inquiries or visits and did not require further processing.

Out of 1228 newly filed complaints, the majority (753) involved violations of children's individual rights. Standing out in terms of their numerousness are the complaints related to difficulties encountered in the exercise of parental responsibility (403) and those related to child abuse and neglect (295). A large number of incidents involving violations of children's rights in the educational system (161), violations of children's economic rights (93) and violations of children's rights in judicial proceedings (61) were also reported.

2.1. PERSONAL RIGHTS

Over the course of 2012 we handled the total of 1185 complaints related to violations of children's individual rights, out of which 432 complaints were carried forward from the previous reporting periods. In 2012, 753 new complaints were filed, involving the total of 1162 children.

The majority of complaints were related to violation of children's right to live with their parents and to parental care (403), and the right to protection against violence and neglect (295). We have also received 19 complaints related to violations of children's right to protection of privacy. A smaller number of complaints in other areas of children's personal rights protection has been filed with the Office; these were related to violations of children's right to know their biological origin (6), violations of their right to his/her own name (6), foster care placement (6) and adoption (6). Five complaints involved violation of children's right to acquire nationality; three were related to the right to life and another three to the right to be registered at birth; and one was related to obtainment of child's temporary resident permit.

Personal rights

PERSONAL RIGHTS 2012	Number of Pending Cases Carried Forward from Previous Years	Number of Cases Opened in 2012	Number of Children Involved (2012)
The Right to Life	1	3	3
The Right to Know His/Her Biological Origin	2	6	6
The Right to Be Registered at Birth	1	3	4
The Right to One's Own Name	0	6	6
The Right to Acquire Nationality	2	5	13
The Right to Preservation of One's Identity	1	0	
The Right to Live with His/Her Parents and to Parental Care	195	403	569
Adoption	1	6	9
The Right to Protection Against Violence	161	232	396
Neglect	46	63	125
Custodial Issues	2	0	0
Foster Care Placement	4	6	8
Child's Right to Privacy	16	19	22
Other Issues	0	1	1
TOTAL	432	753	1162

2.1.1 Children's Birth-Status Rights

There were 20 complaints related to the exercise of children's birth-status rights submitted to the Office. We have received inquiries related to a procedure for establishing paternity and complaints related to misconduct or unsatisfactory performance of social welfare centers and the Births, Deaths and Marriages Registration Office employees, in cases where a person signing the admission of paternity has been found incapable of work due to illness or a work-related disability; in addition, we have been informed of the problems encountered by underage parents in the paternity establishment procedure. We have also been contacted by parents confounded by the fact that, in spite of the presence of a biological father - living in a domestic partnership with the child's mother and willing to acknowledge paternity - mother's ex husband's name is entered on the birth certificate as the father of the child, provided the child was born during a marriage or within 300 days after the termination of the marriage.

2.1.2 The Right to Preservation of One's Identity

In 2012 the Office of Children's Ombudsperson has continued to monitor the recognition of rights and interest of children who have been diagnosed with gender identity disorder (transsexualism), since the legal status of transsexual persons has not been properly regulated in the Republic of Croatia. Even though the Ministry of Health and Social Welfare enacted the Rules on the Compilation of Documents Required for Sex Reassignment Surgery (Official Gazette, No. 121/11) in November 2011, their implementation over the course of 2012 raised questions that exceed the scope of the Rules. The legal experts' estimates have been corroborated: they claimed that such a significant subject area, concerned with one's personal status, should have by no means been regulated by subordinate legislation, without taking into consideration the rights of transsexuals in their entirety, that is, that a wholesome law should have been enacted for this purpose.

2.1.3 The Right to Privacy

Parents, representatives of educational, healthcare and other institutions, citizens and children have reported violations of children's privacy by institutions, family members and, in most cases, the media. Although there are many laws governing legal protection of children against unlawful attacks upon their honor and reputation, children are frequently subjected to arbitrary or unlawful interference in their private lives. We have received 19 complaints related to violations of children's individual rights. These mainly regarded unprofessional conduct of some individuals and a lack of appreciation of the children's need for and a right to privacy and preservation of dignity and reputation, as well as insufficient sensitivity in dealing with particularly rare cases which required certain exceptions to standard procedure. Most of the complaints were related to photographing and videotaping of children, personal data and records protection, website posting personal data or disclosure of information through Facebook, Twitter or YouTube, and the protection of privacy pursuant to the provisions contained in specific acts. Aside from individual complaints, we have

received a number of comments on certain publicly exposed cases, phone inquiries and reports of suspected violations of the right to privacy, followed by requests for Ombudsperson investigation.

2.1.4 The Right to Live with His/Her Parents and to Parental Care

Violations of children's right to live with their parents and to parental care were the most common cause for complaints filed with the Office last year. We have received 403 complaints, involving 569 children. Children acted as complainants on 11 occasions. Out of 403 cases, 34 (9%) were complaints related to restriction or termination of parental responsibilities and rights, affecting 47 children, while 82 (20%) were related to children's right to be financially supported by their parents, which affected 110 children. The largest number of complaints in this area still regards issues related to the exercise of parental responsibilities - 287 (71%), affecting the total of 412 children.

When it comes to children's right to live with parents and to parental care, this year, too, no significant improvement - aimed at better protection of children and the exercise of their rights - has been observed (as compared to previous reporting periods). Complaints were mostly related to dissatisfaction over the performance of social welfare centers (SWCs) and courts, entrusted with responsibility to carry out all the relevant procedures and conduct expert interventions in relation to children in need of care and protection, mistrust of such institutions and discontent with the treatment of a child by the „other“ parent, especially in cases of a termination of marriage or civil partnership. We still observe reluctance of certain complainants (mostly parents and extended family members) to assume part of the responsibility for the situation that the child has found himself/herself in and their unwillingness to consider other views and opinions on the position of the child and his/her needs in the family environment.

Restriction or Revocation of Parental Rights and the Exercise of Parental Responsibilities

Out of 34 cases involving restriction or revocation of parental rights, 27 were related to placement of a child in the custody of an individual or institution after both parents have lost the right to have the child live with them and to make important decisions about his/her upbringing; two cases were related to court orders divesting parents of their parental rights and privileges, while five cases were related to placement of a child into the custody of a child welfare institution - a specialized child care program for children with behavioral disorders, when biological parents or foster caregivers were unfit or unable to provide proper upbringing. Among 287 cases related to the fulfillment of parental responsibilities, this year, too, those involving violations of the right to joint parental responsibility constitute (211) the highest number. There were 67 cases related to the allocation of parental responsibility and 9 inquiries about the possibility of children meeting and spending time with the family members (grandmothers, grandfathers, siblings). Complaints involved the total of 412 children.

Current level of protection of children faced with a dissolution of parents' marriage or civil partnership is still far from satisfactory. Many children (approximately 1500 annually) are denied contact with the other parent in either time or scope ordered by the court. We are also dissatisfied with the response of the relevant authorities, which, in certain cases, hesitate to give their opinions as to what would be in a child's best interest in present life circumstances or bow to pressure from a manipulative parent and show uncertainty in their actions aimed at protecting children. Professional interventions and child protection mechanisms may produce positive results only if parents get actively involved in expert counseling, provided they are aware of the negative impact of parental behavior on a child, are motivated to change their behavior and, provided expert guidance, might be able to recognize child's needs and distinguish them from their own. If, on the other hand, parents refuse to cooperate with SWCs or with each other, there seems to be no other more effective way of protecting children and their rights. If we consider the number of children who have been affected by such parents' behavior over the years, it is about time we started developing more efficient operating procedures for the relevant authorities.

Child Support

In 2012 we handled 82 client's complaints made in writing and 120 complaints made over the phone or in person regarding the exercise and violation of the child's right to be financially supported by his/her parents. Complaints were mostly related to lengthy and inefficient procedures. We advised our clients of the possibility to obtain a temporary order, reach a child support settlement, exercise the right to trial within reasonable time, initiate appropriate enforcement or criminal proceedings or request temporary child support, and the possibility of asking the court to determine a child support obligation of grandmother or grandfather. We also informed them of the possibility to get free legal services provided either by the Croatian Bar Association (CBA) - which, in this kind of proceedings, offers legal aid at the initiative and recommendations made by the Children's Ombudsperson - or the county's State Administration Office, pursuant to provisions of the Free Legal Aid Act.

Clients complained of lengthy child support proceedings; even though they should be speedily tried, a court is sometimes unable to reach decision even after several years of trial or fails to exercise the legal option and obligation to issue temporary orders. The number of complaints related to garnishment proceedings has increased, and some difficulties have also arisen in connection with attempts to exercise the right to receive child support in cases where crim-

inal proceedings have been instigated against the child support obligor. Institutions should be more determined to fight individuals' deliberate attempts to avoid meeting their legal obligations, whether they entirely avoid paying child support or they make erratic and inadequate child support payments.

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Monitoring
and
Documenting
Individual
Instances of
Children's
Rights
Violations

In all cases, especially those where a child does not live with his/her parents, but is placed into custody of other persons instead, we expect SWCs to get more involved and play a bigger role in helping children exercise their right to receive child support. Difficulties also arise due to a lack of uniformity when it comes to SWCs' handling of cases related to the exercise of the right to receive temporary court ordered child support, particularly if the child support obligor lives abroad. We have brought our findings to the attention of the Ministry of Social Policy and Youth (MOSPAY) and urged them to deliver a case management manual providing procedural and operational guidance to SWC's staff. Our recommendations and suggestions for future amendments to the Family Law Act - that the period after which SWCs are required to enforce child support orders or agreements instead of the support obligor is reduced from 6 months to 3 months, that the period in which the obligee parent has the right to receive temporary child support is not restricted to 3 years and that the amount of temporary child support is increased - are still valid.

2.1.5 Foster Care Placement, Deinstitutionalization and Adoption

Pursuant to the Program on Deinstitutionalization and Transformation of Residential Child Care Institutions and Other Legal Entities Providing Social Care Services in the Republic of Croatia 2011-2016 (2018), a new Social Care Act was enacted at the beginning of 2012; it was recommended that children under the age of 7 are not placed in institutions, except in exceptional circumstances and only for a short period of time. The renewed Foster Care Act, enacted mid 2012, has not helped increase the number of potential foster parents, although that was what the introduced amendments aimed at. The procedure for obtaining a foster care license for kinship caregivers has been simplified and other improvements have been introduced aimed at encouraging new families to take in foster children. However, this goal has remained unattained so far; foster care program is still ununiformly implemented in Croatia, while foster care is almost non-existent in the Counties of Dubrovnik-Neretva, Split-Dalmatia and Primorje-Gorski Kotar.

According to the survey conducted by the Office of Children's Ombudsperson, as of December 31 2012, there were 1046 children and youth placed in residential child care facilities for children without adequate parental care, out of which 80.78% of children were placed in permanent institutional care, where the average length of stay was more than 3 years. Out of the total number of children, no less than 219 were under the age of 7. Over the course of 2012, 284 (73.8%) children and youth were placed in residential child care institutions pursuant to the Social Care Act; such child placement decisions are not regularly reassessed.

Over the course of 2012 we received 6 complaints made by prospective adopters, adopters and biological parents of children who have pointed out the problem of protecting the privacy of adoptees and the difficulties encountered by adopters who have opted for international adoption. Biological parents and prospective adopters expressed their dissatisfaction with assessments and decisions made by relevant authorities in parental rights termination proceedings and the adoption process. As in previous years, we have observed that children without parental care stayed in residential care far too long; for various reasons, even children who meet all legal requirements for adoption remained in institutions and foster homes. Current legal solutions make no provisions for the protection of older children who meet adoption requirements, since a lack of limitations as to the maximum age difference between an adoptive parent and adoptee does not work to their advantage. Apart from determining the acceptable age difference between adoptive parents and adoptees, it is necessary for SWCs to get more involved in search of new possibilities for adoption of older children.

We find the legislative intent, aimed at implementing a range of training programs for adopters at Family Centers and introducing civil society initiatives to provide support and assistance to adoptive parents and children alike, to be very positive. Taking into consideration the complex role of adoptive parents, it is important to provide adequate expert assistance and support to children and adopters, both in the period of adjustment and later on.

2.1.6 The Right to Protection against Violence

Over the course of 2012 we received 295 complaints related to violent and neglectful behavior towards children, but also to violent incidents witnessed by children, which is an 8% increase when compared to 2011. Among these, 232 were violence-related complaints and 63 regarded child neglect.

Out of 232 complaints involving acts of violence against children, 108 were related to domestic violence, 68 to incidents of violence committed against students in educational institutions and 5 to violence in other institutions. The remaining 51 complaints were related to violence that occurred outside of family and institutions and bullying by mobile phones or via the internet. According to these complaints, 521 children were exposed to some form of violence. When compared to the previous reporting period, the statistics shows an increase in the number of complaints relating to domestic violence and violence committed against students in educational institutions, while the number

of complaints related to violence against children in child care institutions and other institutional settings has decreased.

Complaints Involving Violence and Neglect 2005-2012

	2005	2006	2007	2008	2009	2010	2011	2012
Domestic Violence	87	44	127	139	82	75	85	108
Violence in Educational Institutions	44	42	53	89	51	83	60	68
Violence in Other Institutions	10	7	12	12	7	9	11	5
Other Forms of Violence	23	27	43	57	69	49	59	51
Incidents of Neglect					50	66	58	63
TOTAL	164	120	235	297	259	282	273	295

Domestic Violence and Child Neglect

We have received 108 complaints related to domestic violence - which is an 8% increase when compared to the previous year - involving 193 children. 88 complaints were related to physical violence, 61 to mental abuse, 14 to sexual abuse, 25 to multiple forms of violence and 5 to corporal punishment. In several cases, complaints filed by members of the extended family proved to be unfounded and mostly provoked by disturbed family relationships. A cause for considerable concern are unfounded complaints filed by parents, usually the ones not living with the child, and the incidents of violence, witnessed by children, between the custodial and the non-custodial parent at visitation pick-ups and drop-offs. Another cause for concern is the fact that corporal punishment of children is still widely accepted in our society as a "childrearing method".

We have received 61 complaints relating to child neglect occurring in the family, involving 109 children, and 2 complaints related to neglect in out-of-family settings. Out of 61 complaints related to child neglect in family settings, 6 were related to neglect of children's health care, 9 to educational neglect, 13 to inattentive upbringing, 24 to multiple types of childhood maltreatment and 9 to other forms of neglect. In 2012, 2738 Croatian children were caught out past curfew, which is a 9% decrease compared to 2011. 1406 out of 2738 children went out for the night with parental permission, while 1111 stayed out without parental consent. Particularly disturbing is the fact that among the children caught out at night after curfew without parental permission, 266 were under 14.

Violence in Educational Institutions

Over the course of the year, we handled 69 individual instances of violations of children's right to protection against violence in educational institutions. The number of complaints has increased by 15% compared to 2011. 53 out of 69 complaints were related to peer violence between children and adolescents, 15 to violence committed by adults against children and 1 to aggressive behavior directed toward adults by a child. In addition to the afore mentioned 15 complaints, there were several more complaints related to children abuse by staff of educational institution, which were characterized as inappropriate and unethical behavior of adults toward children (29), and the child's right to be treated with dignity over the course of his/her education (17); an overview of the complaints is given in the section of the Report relating to educational rights. According to individual complaints filed with the Office, a total of 115 children suffered some form of violence in educational institutions. However, several complaints were related to violence directed toward larger groups of children or the entire classroom of children so the total number of children affected is much higher.

Quite often complaints revealed a conflict between parents and the representatives of institutions, which allowed the child's interest to slip out of focus. There were numerous attempts at "solving" the problem: children skipped classes, child victims or abusers were moved to a different learning environment (a new classroom, kindergarten or school), but there were also cases where parents threatened to hire a lawyer or pitch a story to the media.

Last year, too, was marked by complaints related to severe forms of violence committed by younger school-age children toward their peers and teachers and the helplessness and disorientation exhibited by the system attempting to resolve such situations. Such cases allow us to identify several issues: late detection of the problem, ill-timed and inadequate response to violent conflict resolution, reluctance to invoke disciplinary measures, hesitation and doubt about reporting such incidents to relevant service agencies, lack of coordinated effort between parents and other relevant service agencies, inability to decide on the proper way to continue child's education and giving in to parent pressure and threats. Such incidents create a feeling of helplessness in teachers and reinforce the belief that the introduction of new repressive disciplinary measures is necessary. We believe that increased repression, without prevention and continuous work with students, will not solve the problem since it does not address its root causes. Students need guidance - they should be taught respect for school rules, they should learn to assume responsibility for their actions and to modify their behavior, while the teachers should be educated and encouraged to work with students who manifest inappropriate forms of behavior.

It is therefore necessary, when searching for a solution to the problem of violence, to put the focus of social action campaigns on prevention, early problem detection, timely punishment of violence and the individual counseling of child offenders and victims as well as the introduction of appropriate and applicable legislation.

Violence in Noneducational Institutions and Other Forms of Violence

We have received complaints related to violent incidents in child care institutions, juvenile detention centers, hospitals, bars/restaurants, neighborhoods, aboard city buses, on movie sets, in the streets and in playgrounds. The complaints regarded violence occurring between children, perpetration of violence by adults toward children and children's exposure to interadult violence.

When handling cases involving incidents of peer violence we still come across healthcare workers who are unacquainted with their responsibilities and unaware that they are required to notify child's parents and other relevant authorities of the suspected child abuse, especially if they have reasonable grounds to believe that a child has been a victim of criminal offense. These insights suggest a need for a more effective health care worker training programs and a need to keep them up-to-date on the implementation of violence protocol.

A study of the occurrences of violence committed by adults against children outside the family or school, led us to conclude that the level of child protection in such circumstance is inadequate, primarily due to a feeble institutional response to violence - many institutions fail to recognize certain aggressive behaviors as an indicator of potential violence and classify them as disorderly conduct. By failing to acknowledge the existence of violence they are indirectly denying a child the right to be protected against any form of violence. Violent behavior in adults thus becomes an example of acceptable and permissible way to "discipline" someone else's child.

Bullying by Mobile Phones and via the Internet

We have received 14 individual complaints related to online and mobile phone abuse; among them, 11 were related to bullying via the Internet and 3 to bullying by mobile phone. We were mostly contacted by parents of children whose peers, without their knowledge, posted fake profiles using insulting names and exposing them to collective violence or hacked their Facebook profiles and sent disturbing or pornographic messages to their friends. Despite deficiencies in the legislative, practical and preventive aspect of child protection against the Internet abuse, over the years many steps have been taken in Croatia to improve their protection. Public sector and civil society have put a lot of effort into protective and preventive activities in this area. The fact that children spend most leisure time online, where they experience different rights violations, suggests that the entire society should assume greater responsibility and show more concern for protection of children in this area.

2.2 THE RIGHTS OF CHILDREN AS MEMBERS OF SOCIETY

The fact that we have received no more than 11 complaints related to rights of children as members of society, in no way indicates, regrettably, that children's participation rights are recognized by the society. In other words, this may just as well be an indicator of the insufficient level of awareness of the existence of this right, but also of the attitude of adults toward the idea of making children's voices heard in the society. For that very reason we need to make more of an effort to enable children to fully exercise their right to participate in decisions affecting their lives. Besides sensibilization and training programs for adults, who must make provisions for children to participate in various ways, it is important to inform and empower children and youth to take an active role in the society, and pay due attention to any views and opinions expressed by children.

2.3 EDUCATIONAL RIGHTS

In 2012 we received 161 complaints related to individual instances of violations of children's right to education, which accounts for 13% of the total number of complaints received, making them the third most common type of complaints. Aside from these cases, we also handled complaints relating to entire educational groups, classrooms or institutions, which we categorized as general initiatives of the Office. The highest number of complaints were related to the rights of children in elementary (81) and high-school (44) education, followed by complaints relating to preschool education (36). Among these were 17 complaints related to individual instances of violations of children's right to human dignity in the process of grading and the imposition of disciplinary actions against students. 38.5% of the total number of complaints was related to violations of rights of children with developmental disabilities (62).

According to their subject, the complaints can be divided as follows: children's access to education; safety conditions, spatial configuration and organizational structure in education; staff numbers and qualifications, education programs

and curriculum contents; a relationship between parents and employees of educational institutions and the provision of adequate special education programs for children with developmental disabilities (DD).

The problems of access to preschool education, the availability of appropriate resources and preschool education facilities and the provision of adequate early childhood education programs, caused by the increasingly difficult financial situation faced by founders, kindergartens and parents, are still very prominent. Local government agencies, lacking sufficient financial resources that would allow them to expand the capacity of early childhood programs, have introduced higher requirements for registration and admission to kindergarten, which resulted in an unequal access to and inadequate educational opportunities for preschool-aged children. Problems associated with access to basic education are manifested through the inability to transfer children to a school in a different school district and difficulties encountered when attempting to arrange after-school extended day programs or transportation for students. When it comes to high-school education, the complaints were mostly related to the inability of students to switch programs, high school graduation requirements, the elements and criteria considered when selecting high school candidates for admission, as well as to difficulties encountered in arranging and funding student transportation services. The problems in accessing education are particularly evident with children having developmental disabilities, due to the unwillingness of education system at all levels to meet their educational needs.

Parents have often contacted the Office to report inadequate safety conditions and spatial configurations of kindergartens and schools, badly designed and unfenced school playgrounds, scheduling and operation of the school, schools constantly swapping out teachers, new classes formed all the time, reductions in the number of classrooms, course schedule changes and the fact that they have not been informed in advance of the impending changes. There were also complaints related to union meetings and protests held during school hours and the education workers strike.

Complaints relating to educational programs and curriculum contents regarded chiefly schools' failure to organize and deliver remedial and advanced courses, the way in which school excursions are arranged, overloaded schedules, students being overburdened with too difficult and too extensive studies and weighty school bags, but also product advertising and sales in schools and the violation of children's rights in school competitions. In 2012 health education was finally introduced in primary and high schools as a mandatory subject, taught under the umbrella of existing courses or in homeroom classes, divided into four modules. Schools have also started teaching the experimental civic education courses. The way in which health education was introduced as a school subject and its contents, particularly the fourth module entitled Sex/Gender Equality and Responsible Sexual Behavior, stirred up considerable controversy and met with disapproval by some organizations, parents and clerical authorities, a certain number of education workers and several members of the community. We believe that health education program, and sex education as its integral part, should be available to all students, same as other school programs, courses and forms of indirect education, irrespective of parental consent, in consistence with the child's right to all information relevant to protection of children's health and indicating the importance of responsible sexual behavior. The MOSEAS as well as the EATTA should provide high quality preparation assistance and continuous professional support to teachers and school professionals teaching courses in this subject.

Parents and employees of educational institutions have contacted the Office claiming a shortage of school professionals (pedagogues, psychologists and educational rehabilitation experts), staff assistants and administrative technicians, seeking assistance and intervention of the Children's Ombudsperson in order to obtain permission to hire necessary additional staff. The issues associated with shortage of school professionals are particularly prominent in small communities and on the islands, but also in education of children with DDs.

A large number of complaints were related to inappropriate, unprofessional and unethical behavior of teachers and other school employees toward children and the way they treated children in the process of student academic performance monitoring and evaluation. Lack of adequate legislation and the insufficient competencies of school staff render the implementation of timely and efficient child protection plan even more difficult. For this reason, we have repeatedly stressed the need for professional training and development programs for education workers in the field of human and children's rights as well as the need to increase their professional competencies and establish a system of performance evaluation and certification of elementary and high school teachers, school professionals and principals.

Based on the analysis of complaints filed over several years we may conclude that many of the problems arise from an uncooperative relationship between parents and staff members in education institutions, a lack of adequate child-centered communication, and parents' (and sometimes even education workers') unfamiliarity with the role of the school and school staff in children's education. A large number of misunderstandings and conflicts could be prevented or averted by creating a collaborative relationship between parents and school personnel at the very beginning of the school year, and by familiarizing parents with rights and duties of students, teachers and other education personnel, but also their own.

Adequate Education Programs for Children with Developmental Disabilities

Out of the total number of complaints relating to individual instances of violations of children's right to education, 62 (38.5%) were related to violations of rights of children with DDs. Access to preschool education is rendered more difficult by a lack of capacity and shortage of early learning and child care professionals, kindergarten overcrowding, poor quality of communication between parents and kindergarten staff as well as financial difficulties facing certain local communities, making them unable to meet the required staffing standards, that is, to hire a minimum number of teaching staff and support staff members required to implement inclusive early childhood education. The highest percentage of violations of rights of children with DDs was observed in primary education (56.5%) due to the inexistence of an adequate subordinate legislation regulation prescribing standards of education programs for children with DDs. One of the most common problems is the children's inability to have a teaching assistant present in the class; class attendance problems also occur due to the insufficient competencies of school employees, inadequate spatial configuration or personnel number and qualifications.

When it comes to the high school education system, the highest number of complaints regarded the elements and criteria considered when selecting high school candidates for admission and violations of children's rights in a high school admission process. Insufficient information exchange and a lack of collaboration and coordination between the systems provide fertile grounds for violations of rights of children with DDs in the high school education system.

2.4. HEALTH CARE RIGHTS

There were 28 individual complaints related to violations of health care rights, involving 30 children. Most of the complaints were made over the unprofessional conduct by health care providers toward child patients and the shortage of medical specialists, especially orthodontists, speech therapists and pediatricians in primary health care, as well as child mental health specialists. Seriously ill children and their parents require psychological support. The provision of health-care services to children holding foreign nationality is conditioned by monthly payments of premiums for health insurance coverage and many parents face difficulties paying for health care. The unconventional therapy use among children is still not regulated; parents, nowadays more often than ever, launch humanitarian campaigns to raise funds to pay for child's treatment abroad. Such campaigns expose child's health issues to the public through media coverage and it is necessary to protect child's privacy and dignity in the process. In addition, children and their parents need to be provided support and high quality information on the right of access to healthcare services covered by their Health Care Insurance Plan and the reimbursement of medical expenses for a treatment received abroad. We find the activities aimed at improving children's eating habits and the childhood obesity prevention - which definitely calls for a more active parental involvement, considering the role that parents play in shaping children's eating habits - very positive.

2.5 SOCIAL AND ECONOMIC RIGHTS

Complaints related to violations of children's social and economic rights filed with this Office mostly regard the child's/family's inability to exercise their property rights, the impact of global financial crisis and the overall social climate on their socio-economic status, and the children's inability to exercise their right to a more appropriate standard of living. We have received 135 complaints relating to violations of children's individual rights, which is a 10% increase as compared to the previous year, affecting the total of 243 children.

Children's **social** rights were violated in 42 cases; the complaints were related to violations of the right to claim social security benefits, such as: short-term welfare assistance payments, child care benefits, attendance allowance, disability living allowance and parents' eligibility for carer's allowance; the rights granted to parents by the Maternity and Parental Benefits Act and the right to claim child care benefits and survivor benefits.

Violations of children's **economic** rights (93) regarded violations of the right to adequate standard of living (52), economic exploitation, hazardous labor and inappropriate ad campaigns (21), followed by the protection of children's property rights (20).

Complaints related to evictions, garnishments of wages and other property, unsafe living conditions (parents and their underage children living in unsafe housing) and the inability of parents to provide for the child's basic needs (resulting from parental job loss, unpaid child support payments or the inability of parents to pay off their or someone else's loan) were frequently filed with the office over the course of 2012, a year in which the number of people facing poverty has considerably increased. Poverty seriously affects an increasing number of children, decreases their chances of survival and development and is, in addition, a cause of violations of many of their rights.

In the area of economic exploitation and hazardous child labor, the Office has handled complaints related to illegal employment of children (with respect to employment terms and conditions), violation of students' rights in professional work experience programs, children's participation in cultural and arts-related activities and the protection of child beggars. Children's participation in cultural, arts and sports activities and marketing campaigns is not governed by comprehensive legislative framework for child protection nor is it appropriately supervised, as we have pointed out in the last year's Report. Since we have not observed any improvements to this segment, at the beginning of 2013 we relaunched our legislative initiative, requesting the MOLAPS and the MOSPAY to initiate activities and coordinated action of proper authorities aimed at drafting legislation concerned with integrated child protection in this area.

20 complaints were related to protection of children's property rights. In response to complaints, we conducted an investigation into the management of children's financial affairs and assets and the protection of their property rights, the publishing of children's names in the list of debtors having large unresolved tax liabilities and the protection of children in precious metal scrap transactions. Most of the activities undertaken were directed toward the implementation of the Family Law Act with respect to the rights of parents to manage child's finances and assets. Over the past few years, the ministry having jurisdiction in such matters has, on several occasions, stated their position on the implementation of relevant provisions contained in this Act; finally, in October 2012, they arrived at a decision that parents are allowed to freely manage the cash assets of their minor child without consulting the competent SWC, if the amount does not exceed the sum of 10.000 kunas per month and 120.000 kunas per year. When large sums of money are involved, a misuse of funds is likely to happen, causing financial loss to a child. Since the law contains no provisions for timely protection or financial loss recovery in case of money mismanagement or financial loss resulting from poor financial decisions, living circumstances or market trends, once again we urged the MOSPAY to reconsider their position and reduce the amount of assets controlled by parents so as to better suit the real-life circumstances.

We have handled complaints and undertaken general initiatives involving product and services advertising on school property, inappropriate contents in TV commercials and teletext ads, beer commercials, tobacco ads, fireworks or pyrotechnic devices advertisements and ads offering to buy scrap gold and silver. Complaints filed by citizens may well help raise standards in this segment of marketing communications, drawing public attention to the manipulation and exploitation of children by marketers and the unethical advertising targeting children.

2.6 CULTURAL RIGHTS

In 2012 the Office handled 19 individual complaints related to violations of children's cultural rights. Complainants pointed to scoring discrepancies and questionable refereeing decisions at sporting events, inappropriate coach behavior, problems canceling child's sports club membership, poorly designed and maintained children's playgrounds, lack of space to accommodate extracurricular activities, difficulties in organizing religion courses, priests' inappropriate contact with children and others. There are still no adequate laws in place guaranteeing better protection of children during their leisure-time activities, and the present legislation allows for different interpretations; as a result, the protection of child's interests and wellbeing most often depends on the sense of responsibility of certain individuals, that is, sensibilities, motivation and well-informedness of parents and leisure activities supervisors. We still bear witness to a number of difficulties encountered in arranging leisure-time activities, especially in small town and islands communities. It is necessary to continue efforts to raise awareness amongst families, education institutions and in society in general of the importance of leisure time for the children and young people's development, as well as of children's active participation in the society. Only by introducing proper regulatory legislation and ensuring appropriate spatial configurations, safety conditions and staff numbers and qualifications, will we be able to meet the prerequisite requirements for a full-scale implementation of children's cultural rights.

2.7 PROTECTION OF CHILDREN'S RIGHT IN JUDICIAL PROCEEDINGS

Over the course of the year we received 61 complaints related to violations of children's rights in the judicial process. Most of the complaints regarded violations of the child's right to preserve his/her dignity in procedures conducted by the authorities (18) and violations of their right to protection from sexual exploitation and abuse (15). Nine complaints were related to violation of the right to trial within a reasonable period of time, eight were related to violation of the right to minimum guarantees in cases where a child is suspected, accused or charged with a crime or found guilty, and six were related to violation of child victims' rights. Only a small number of complaints regarded the right to be protected from abduction, sale or trafficking (3), the right to immediate legal assistance (1) and the protection of child witnesses (1).

2.7.1 Protection of Children Appearing as Witnesses or Injured Parties in Judicial Proceedings

(14)

Monitoring
and
Documenting
Individual
Instances of
Children's
Rights
Violations

According to the data provided by the Ministry of the Interior, 2562 offenses against children were reported in 2012. In most cases children were the victims of offenses committed against marriage, family and youth (1861) and offenses against sexual freedom and morality (339).

The allegations of misconduct by police officers, judges and social workers in the process of interviewing children who may have been victims of offense, is the most common reason for contacting our Office. Parents often voiced their anger and dissatisfaction over the way in which children were treated in legal proceedings, especially over repeated interviews with children, children being summoned to court to testify and slow processing of offenders. The role of children as possessing certain rights in judicial proceedings remains undefined; it is therefore necessary to adopt a special regulation prescribing the rules of procedure allowing a child to exercise his/her participation right, clearly defining the requirements that a person appointed a special child's representative has to meet, but also generating a list of licensed professionals which may be selected and appointed special child's representatives in court and administrative proceedings. It is also necessary to set up family courts employing specialized and pre-sensitized personnel and having child-friendly courtrooms and surrounding areas.

Due to courts' failure to meet spatial, technical and personnel-related requirements, the treatment of child witnesses or child victims in criminal and misdemeanor proceedings seems to be rather disturbing. Certain courts do not offer Child Victim/Witness Programs providing assistance and support services to crime victims and witnesses, do not employ professional service providers and are not equipped to facilitate video conferencing or such equipment is outdated and often wears out or breaks down; as a result, the trials are often postponed or rescheduled and the child being interviewed is denied such additional protection that these services may provide. In many cases, the presence of a social worker - who is supposed to safeguard the child - at the child interview is a mere formality and the quality of such protection is questionable, since the employees of SWCs have not been specially trained and qualified to represent a child in judicial proceedings, particularly with respect to children's rights in police and court procedures. Even though the Victim Support and Child Witness Service Department plays a significant role, it is reduced to mere provision of practical information and emotional support at the investigation stage and the trial itself. However, employees of such departments are not authorized to provide counseling and psychosocial or psychotherapeutic services, give legal advice or talk to witnesses about their testimonies and are thus unable to ensure that a child victim receives counseling services - granted by the law - aimed at helping children prepare to give testimonies in court or effective psychological or other professional support.

New legal solutions guaranteeing a child, as a victim of criminal offense, the right to be represented by an attorney in the criminal proceedings, reveal many shortcomings when it comes to their implementation. The role of the child's legal representative is not clearly defined or worked out, and the qualifications required of such a representative have not been precisely specified. The provisions guaranteeing the right to have an attorney present are also rather confusing and lead some judges to appoint the legal representative for a child only if the parents request so, while the others do so pursuant to their official duties, regardless of the parents' wishes. Taking into consideration numerous shortcomings, a lot of effort still needs to be made to develop an efficient child witness protection system that will grant each child the right to be treated according to his/her age and individual needs.

The Right to Protection from Sexual Exploitation and Abuse

According to the data provided by the Ministry of the Interior, in 2012 children were victims of 339 offenses against sexual freedom and sexual morality. Most of the offences committed against children involved lewd acts (106) and sexual intercourse with a child (70). Records also show that there were 49 cases involving possession or Internet exchange of child pornography, 46 cases involving sexual acts performed in front of a child or a minor for the sexual gratification and 24 involving rape.

In several cases the complaints filed with the Office were related to the treatment received by children from law enforcement and judicial authorities in legal procedures, especially to lengthy police and court proceedings. The Office of Children's Ombudsperson has actively participated - by making proposals and giving opinions - in the process of drafting amendments to the Criminal Code and other legislation directly or indirectly relating to protection of children against sexual exploitation and abuse. In the course of criminal law reforming process we requested that there be no statute of limitations for the criminal prosecution of perpetrators of sex crimes against children, that the age of consent for sexual encounters with adults is raised from 14 to 16, that the post-prison supervision period - after the offender has served the full length of his/her sentence and has been released - is extended and that the offenders serving short-term prison sentences are placed on such post-prison supervision. We urged that the new law retained provisions imposing criminal liability for failure to report offenses committed against children and persons who stand in a special relationship with the offender, such as priests or lawyers. We proposed that anyone can be made subject to

criminal liability for failure to report a criminal offense committed against the child, regardless of the offense severity, allowing more cases of child abuse to be uncovered and increasing the number of children protected and offenders processed. We have also urged the setting up of a separate child sex offender registry.

The entry into force of the new Collateral Consequences of Conviction, Criminal Records and Rehabilitation of Offenders Act (we have actively participated in the drafting process), which was presented by the media as a “convicted pedophiles registry”, has created an opportunity for child protection improvement. On our initiative, the number of people allowed access to criminal history records has increased, the category of offenses visible to employers in criminal background checks has been expanded and the time period for which criminal records are kept (and hence publicly accessible) has been extended. Regrettably, our proposal that the criminal records of sex offender be kept forever, making them accessible for background checks even after the rehabilitation period has expired, was not accepted. This leaves open a possibility for a child sex offender, after the rehabilitation period has ended and the criminal convictions are no longer disclosed when people undergo criminal record checks, to adopt a child, become a foster care provider or get hired in a position which would bring him in direct contact with children, such as kindergartens, schools, children’s residential homes and others.

We are also very concerned over some legal and regulatory oversights in certain areas, such as sports, education and social care, providing a possibility for a sex offender to be hired in a position involving contact with children even after they had been found guilty. Another cause for concern is the fact that a person suspected of having committed an offense against a child, may not be suspended or reassigned from duties involving interaction with children pending the results of police inquiry. The way in which certain law provisions are practically implemented, prohibiting the employment of a registered child sex offender in any position having substantial contact with children, is also rather disconcerting since the employers usually run employment background check on applicants for certain positions only by asking the applicant to provide evidence of no previous convictions, proving that no criminal proceedings have been initiated against that person or that the conviction has not become final yet. Such evidence, however, is no proof that a person has not been convicted of a criminal offense, as it wrongly implies.

2.7.2 Protection of Rights of Juvenile Felony and Misdemeanor Offenders

Most of the complaints related to violations of rights of children in trouble with the law were filed by parents and regarded police misconduct. The reasons behind complaints was the threatening, abusive or insulting language used by police officers, interrogation of children following arrest outside of the presence of a parent or a social worker and police officers showing up at parents’ place of work. In their reports, police departments denied the accusations of unlawful conduct in all cases so we advised complainants to contact the General Police Directorate. We have also dealt with complaints filed by parents claiming that, due to careless handling of the cases by police, their children - who were under the age of criminal responsibility - were wrongfully accused of committing a felony, which led to filing of civil lawsuits against parents, seeking financial compensation for property loss or damage.

We have also received complaints by inmates of juvenile detention center for adolescent males, related to peer violence and violence by juvenile corrections officers. Regardless of the existing youth peer violence prevention programs and continuous training programs for juvenile detention staff members; we believe that it is necessary to improve this segment of corrective measures implementation. Aside from this, we have, on several occasions, issued proposals to improve the execution of the corrective measure of referring juveniles to a detention facility for juvenile male offenders, as they did not meet necessary spatial, technical and personnel-related requirements.

The most severe violation of children’s rights in judicial proceedings was the use of pre-trial detention to hold juveniles awaiting adjudication, which does not meet international standards and is not in compliance with national regulations. Juvenile detainees share their cells with adult offenders, are not included in targeted treatment programs and are unable to attend school classes. The problem becomes even more acute when the investigation process takes several months or even a year to complete. We have brought such circumstances to the attention of relevant authorities on several occasions, but the issue of pretrial detention has not been adequately resolved yet. We have demanded the establishment of a closed-type facility, as provided for by the new Youth Court Act, where children may be placed following arrest while criminal proceedings are under way.

According to our information, the implementation of alternative sentencing program pursuant to the YCA is rendered difficult by a lack of facilities which would enable juveniles to fulfill a special court-ordered work obligation (charitable, community service or environmental work programs) or a special obligation to undergo individual or group psychosocial treatment at the Youth Counseling Center.

2.8 SAFETY, ACCIDENTS AND HAZARDOUS ENVIRONMENT

(16)

Monitoring
and
Documenting
Individual
Instances of
Children's
Rights
Violations

We have received 13 complaints related to violations of children's rights with respect to child safety issues, involving 31 children. Complaints were filed by parents or children themselves seeking protection from traffic related hazards or pointing to safety hazards in playgrounds and playrooms, the problem of missing children, and the harmful effects of exposure to certain environmental hazards (air pollutant emission, hazardous materials, machinery and equipment hazards, mines, guns and other weapons and dangerous animals). Apart from dealing with individual instances of rights violations, we have also handled complaints related to group rights involving large groups of children exposed to hazardous substances or dangerous events.

Not enough has been done to keep children safe in **traffic**. Children's traffic safety is compromised by transporting children in vehicles not complying with road safety standards, carrying more children than the maximum allowed number of passengers and the poorly designed road infrastructure. Besides the need for enhanced control over commercial vehicle and driver compliance with road safety regulations governing public transportation services used by children, and development and improvement of road infrastructure, we need to put more effort into protecting children in cycling, being transported in private vehicles or using public transport. The biggest role in achieving this goal, apart from the legislators, student transportation authorities and traffic officers, is played by parents, education institutions and their founders, and public transport providers.

We have also received inquiries on the possibilities and prerequisites for the establishment of **children's playrooms**, licenses required for maintenance and operation of the facility and state agencies authorized to issue such licenses, but also reports of the lack of children's playgrounds or inadequate and poorly maintained playing space for children. One is soon made aware of a lack of appropriate regulatory regimes, nonuniform practices, but also the fact that such activities compromise on the safety of children. Despite our repeated insistence on the necessity to introduce regulations governing this area, relevant authorities have not followed our recommendations. Expectations are that the drafting of a bill for a Playground and Playroom Equipment Safety Act will finally be initiated in 2013.

Children registered as "**missing**" form an especially vulnerable group. Having left their homes, they struggle to survive on the street, often lacking appropriate accommodation and proper care. They are exposed to different risks and dangers, and the present system - in spite of the improvements made thus far, such as a creation of National Missing Persons Registry (NMPPR) - shows many weaknesses. The practice sometimes reveals insufficient involvement and oversights of the police in search for missing children, especially the ones who have run away from an institution or have behavioral disorders. For the past two years, the Office has urged setting up of a hotline number 116000 and the establishment of the National Center for Missing Children, following the example of several other countries. We made a recommendation to the Government of the Republic of Croatia to consider this project as part of the future child protection strategies and plans and to ensure its effective implementation. In spite of the fact that our recommendation was upheld, and the necessity of setting up a unique hotline number for missing children - which is the international obligation of the Republic of Croatia as a member of the European Electronic Communications Committee - generally recognized, still no improvement has been made in this respect.

People have reported the children's right to a **healthy environment** being compromised by air pollution caused by oil refineries in Bosanski Brod and Sisak. We made a recommendation to the Environment and Nature Conservation Committee to the Croatian Parliament and the ministries having jurisdiction over the matter (MENP, MFEA, MOSPAY and MOH) to take the necessary and immediate steps to reduce pollution, in compliance with the relevant European laws and standards. Children are exposed to harmful effects of air pollutant emission in other settings as well, as a result of improper waste disposal and burial, often in the vicinity of human settlements (such as Jakuševac/Zagreb and Viškovo/Rijeka). Cities and counties have failed to provide timely solutions to the issue of how the waste is to be disposed of safely in landfill sites in the future, but also to tackle the problem of possible illegal waste sites. The announced campaign to rid kindergartens and primary and high schools of asbestos by repairing or removing all asbestos cement roof sheets, which we mentioned in the last year's Report, has not been fully carried out yet.

Children are also exposed to potential danger if they spend time near industrial facilities and machinery or strips of land still uncleared of mines. A child electrocuted to death by coming into direct contact with a power line at the poorly secured neighborhood power substation prompted one of our initiatives. Mines and other explosive devices still pose a danger to children, primarily because of the slow pace of mine clearance activities in areas suspected of containing landmines; the main reason is that the funds allocated or raised to support demining action efforts are insufficient. Children are exposed to additional dangers, such as the presence of weapons; we have also received complaints filed by different organizations, parents and other individuals which were related to danger presented by animals (dogs, wolves and bears). Some of the complaints pointed out the difficulties encountered in the implementation of the Animal Protection Act and the problem of the endangered species management.

2.9 DISCRIMINATION

Over the course of the year we handled 16 cases related to the Anti-Discrimination Act (ADA). Apart from these, there were two cases carried forward to 2012 from the previous year; we were later updated on the actions taken by relevant authorities. The number of this type of complaints has doubled compared to previous years. In 13 cases the complaints were made over discrimination in educational settings, one case was related to discrimination in social care settings and in two cases the nature of discrimination was not established as they involved broad patterns of discriminatory behavior. In 7 cases the cause for complaint was ethnic discrimination, in two cases it was educational discrimination, while the rest of the complaints were related to discriminatory behavior based on one's nationality or social origin, income, age, medical record, disability, gender identity and gender expression. In one of the cases it was impossible to determine the basis of complaint. In some cases the complainants have obviously simply added discrimination to list of other violations of children's rights, with no "real basis" for discrimination allegations and no real intention of having the alleged violation investigated under anti-discrimination law. In such cases, same as in the cases where no reasonable grounds for suspicion of discrimination under the ADA has been established, the Office has acted in accordance with duties vested in it pursuant to the Children's Ombudsman Act.

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2.10 OTHER RIGHTS AND COMPLAINTS OUT OF OUR JURISDICTION

In some cases (31) the complainants contacted the Office seeking assistance in dealing with problems which are not related to children's rights. Adults have sought help in securing the exercise of their personal rights, such as health care rights, the right to protection of privacy or employee rights. We have often been contacted by young adults inquiring about their right to receive financial support from parents or to apply for family violence protection order. Their complaints suggest that there are no resources for obtaining information on their specific rights, such as the right to receive financial support; it would be really convenient if such information were posted on websites of the ministries having jurisdiction over the matter. We advised complainants the best way we could or referred them to appropriate institution which might help them solve a problem at hand.

3 Young Advisors Network (YAN) - Children's Participation

The Young Advisors Network (YAN) to the Office of Children's Ombudsperson is a permanent advisory body, consisting of children from different parts of the county. The YAN was officially formed in September 2010. The Network consists of 25 members - children aged 12-18, carrying out their function via online forums and meetings with employees of the Office of Children's Ombudsperson, where they exchange views and opinions. They often propose topics to be discussed and initiatives to be acted on, but also actions to be undertaken by the YAN. They act as advisors and associates, but also as the ambassadors of the Children's Ombudsperson, as they communicate information about our work, children's rights and their protection to their peers. Each member of the YAN promotes and argues for his/her own point of view, acts on his/her own behalf and presents his/her views on the position of children in society - and anything else that is, in his/her opinion, relevant to children - to the Children's Ombudsperson. Previous reporting period was marked by elections to the Second Generation of Young Advisors Network. Among 147 candidates, the members of the First Generation of YAN, together with the Children's Ombudsperson and adult advisors, have elected 25 young advisors.

At the electoral meeting held in December 2012, children - members of the YAN had a chance to get acquainted with each other and establish guidelines for making ethical choices in the conduct of their work. Together they worked on the elements of their strategy and action plan for the next year, focusing on four basic topics: education, health care, violence prevention and child Internet safety. They joined efforts in devising a way to present their work and the work of the Children's Ombudsperson's Office to their own communities. Members of the YAN are actively involved in the forum and exhibit a wide range of interests. Some of the topics discussed are cell phone use in schools, health and civics education, teacher behavior toward students, students overburdened with studies, grading criteria, entrance requirements for high school students, a decision to abandon the practice of finalizing midterm grades, a need to protect the privacy of students, a need to protect children from all forms of violence, ways to prevent physical violence between children and others. They also dealt with the issues related to donations to help sick children, teenage pregnancy, childhood obesity, meals service in primary and secondary schools, gender equality, recognition of children's rights, rights of children with DD and special education teaching assistants and the ways to protect children from the

potentially harmful effects of divorce. Their opinions and views are an extremely valuable source of information and provide guidelines for activities to be undertaken in order to protect children's rights and interests, and their school-based activities are an invaluable aid and point of reference.

(18)

4 Proposals to Develop an Integrated System for Protection of Children's Rights

Prijedlozi za
izgradnju
cjelovitog
sustava
zaštite
prava djece

4.1 THE RIGHTS OF ETHNIC MINORITY CHILDREN

We are still able to observe that violations of rights of ethnic minority children from Roma background continue at high rate, namely their right to education, the right to parental care, economic rights, the right to protection from violence and the right to non-discrimination. We therefore issued recommendations to state, regional and local authorities, aimed at improving the position of ethnic minority children from Roma communities. We offered our opinions on the development of National Roma Integration Strategy 2013-2020 and proposed measures to develop a guidance document for its implementation in the period 2013-2015. We issued a report on our activities undertaken under the 2010-2011 National Roma Development Program. We have visited two Roma communities in Slavonia and learned about the problems they encountered - poor living conditions, unemployment, poverty and social exclusion.

We have dealt with issues faced by children belonging to a Serbian minority group when it comes to exercising their rights by looking into the model A schools teaching academic courses in Serbian language in Vukovar. The results of a longitudinal study have shown that separate schools for Serbian (ethnic minority) and Croatian (ethnic majority) children are disadvantageous to their social integration in a segregated ethnic community. The study also suggests that schools may be used as key settings for promotion of social integration for youth, without jeopardizing the ethnic minority right to special forms of education.

By visiting two minority educational institutions, a Hungarian school in Osijek and an Italian school in Buje, we had the opportunity to see for ourselves that the educational rights of children belonging to these two ethnic minority groups were fully exercised.

4.2 THE RIGHTS OF CHILDREN WITH BEHAVIORAL PROBLEMS

The Office has handled 50 cases related to protection of rights and interests of children with behavioral problems, involving 52 children. There is still an insufficient number of well-developed, well-structured and well-organized programs for prevention and treatment of childhood behavior problems available in local communities and educational institutions. Schools are unable to come up with effective ways of coping with this phenomenon, especially in cases involving violent behavior; as a result, such children's behavior in school is most often perceived as a *disruptive factor* in the classroom and many believe that students causing classroom interruptions should be kicked out of school and handed over to the care of social services, health care providers or the juvenile justice system. We have also encountered children whose behavioral problems might have been directly linked to the inefficient legal protection in cases of neglect, domestic abuse or parents' high conflict divorce. Ill-timed and ineffective measures undertaken by institutions have considerably contributed to the occurrence of a number of emotional and behavioral problems in children.

We fully endorse the Transformation and Deinstitutionalization Program implemented by the MOSPAY in residential child care facilities operated by the Department of Social Services because the care provided to children with behavioral disorders by their own families has proved to be much more efficient and humane. Hence, it is necessary to set up an array of services to provide support to families, but also to develop prevention and early intervention programs. The existing residential treatment centers for children with behavioral disorders lack more differentiated treatment programs. We feel there is a need to "add another link to a chain", that is, to create an institutional link between the state-run child care centers and justice and law enforcement institutions: an institution which would offer an intensive therapy program and provide strict discipline regime and closer supervision to children with "severe" behavior disorders. There are also no child placement resources for children with behavioral or mental disorders, currently placed in institutional care after being removed from a dysfunctional home environment. The rights and interests of this group of children are most often violated. They are usually transferred from health care facilities to state-run residential facilities or group homes; no arrangements have been made to ensure effective placement for such children or to find a

longer-lasting solution to their multiple and complex needs. Since there will undoubtedly be a limited number of children who will have to be institutionalized, regardless of the targeted measures to implement a deinstitutionalization plan, once again we made a recommendation for the establishment of agencies which would fall under joint jurisdiction of health care and social services authorities and which would ensure enhanced protection and intensified treatment to such children to meet their specific needs.

Interdepartmental collaboration and coordination have not yet fully taken place as each department takes a segmented approach to address the problem of children with behavioral disorders, instead of taking a coherent and shared approach to intervention planning and implementation. The responsibilities relating to issues facing such children are often passed to social care authorities, while, at the same time, the duties and obligations vested in those who failed to implement preventive measures and ensure provision of timely early intervention services are disregarded. We need to mention here that the first and only strategic document pertaining to this issue expired in 2012 - the National Strategy for Prevention of Behavioral Disorders in Children and Youth 2009-2012. The new document has not been adopted yet and the 2011 Report on the Implementation of Targeted Measures and Activities is not yet available to the public.

4.3 CHILDREN'S MENTAL HEALTH CARE

An important aspect of caring for child's mental health is a financial security of a family, which has been seriously threatened by the global economic crisis and parental unemployment. Poverty and social exclusion often threaten family dynamics and lead to an increase in patterns of aggressive behavior toward children, while the state takes a restrictive approach instead of the one that centers on the needs of the children, repealing some of the standards already achieved.

Mental health problems in children often co-occur with behavioral problems; it is therefore very important to implement timely and effective child protection measures for children growing up in a high-risk environment. We need to point out that medication treatment is inconsistently delivered to these children; medications, often given to children for long periods of time, are so powerful that they may reduce a child's ability to perform everyday activities and impair child's developmental capacity. We have also called attention to the insensitivity to issues related to self-inflicted injuries in children and the children's exposure to beliefs or practices of cultic groups; due to insufficient information on the effects of children's cult involvement, adequate counseling for children affected by cults is unavailable. There are no proven measures for preventing suicide in children and adolescents, no assistance programs providing support (counseling and therapy) to children and their families after child's suicide attempt and no protective measures and treatment for children following a suicide attempt.

Over the years, we have repeatedly emphasized that not all children have access to appropriate mental health care services, especially children and families living in small communities. Facilities operating under government-funded health and social care system, due to high volume workloads, are in most cases unable to provide high quality long-term care services, forcing the parents to seek private sector help. Slavonia and Dalmatia regions lack institutions modeled after the Child Protection Center in Zagreb, where multidisciplinary teams provide integrated child protection services to abused children. Regrettably, there are no specialized child and adolescent psychiatric clinics in Dalmatia region. Regional public health institutions are seen as a potentially valuable resource for children and adolescents in need of a mental health care. However, they require performance improvement (in terms of infrastructure, equipment and employee number and qualification); this could only be achieved with the support from a local community.

4.4 PROTECTION OF CHILDREN AGAINST SUBSTANCE ABUSE

Young people in Croatia show high rates of cigarette and alcohol consumption and substance abuse as well as a high participation rate in sports betting, which is - in spite of betting bans, inspections of betting facilities and the supervision of wagering operations - facilitated by an easy access to betting opportunities, sites and devices, as reported by children themselves. Children tend to model their attitudes toward addictive substances or habits on adults, especially those they see as role models, but they are also influenced by the media; intense media advertising campaigns promoting beer consumption are still conducted. The number of beer commercials linking beer with sports, hang-arounds and good time is increasing. When planning next steps to be taken one should necessarily take into account the fact that the consumption of addictive substances causes severe physical health deterioration and behavioral changes - aggressive behavior, poor communication with parents and other people in their learning and living environment, crash-related deaths and injuries and criminal tendencies.

4.5 THE RIGHTS OF CHILDREN OF INCARCERATED PARENTS

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*Proposals to
Develop an
Integrated
System
for Protection
of Children's
Rights*

Protection of the rights of children of incarcerated parents has been considerably improved over the past few years, primarily in terms of the increased visibility of such children and their specific needs, especially with the correctional facility staff. However, some of the previously adopted standards have been either revoked or little efforts were put into further improvement of such standards. Further to initial investments made to create child-friendly visiting areas in correctional institutions (where contact visits can take place), little has been done to enrich the design of visiting spaces. The MOSPAY's decision to discontinue any further collaboration with the Bureau of Prisons on the implementation of the Responsible Parenting Program (carried out by the employees of family support centers in penal institutions housing prisoner parents) is seen as a sign of government's indifference towards the needs of these children and to revocation of a standard achieved with great difficulty. Even though the program has proved beneficial to both prisoners and their children, we have been informed that, due to new responsibilities and powers vested in family support centers and the redistribution of duties within their offices, they are unable to continue carrying out the program, which makes its further sustainability questionable.

A problem that children of incarcerated parents are most often faced with is the inability to exercise the right to maintain contact with their parents, either due to long distance placement, high travel costs or the other parent's or caregiver's unwillingness to take the child to a prison visit. Problems are also observed in the way that visitations in correctional institutions are organized and carried out, which prompted us to issue several recommendations to the Bureau of Prisons. The Office of Children's Ombudsperson has launched a series of national-level initiatives and achieved successful international collaboration aimed at promoting the interests and rights of children of incarcerated parents.

4.6 CHILD-FRIENDLY JUSTICE

Over the years, the Office of Children's Ombudsperson has repeatedly called for improvement in the child protection standards within the scope of law enforcement investigations and judicial proceedings, directing the attention of the authorities to the issues related to staffing, spatial configuration and organizational structure, which need to be resolved. We have urged the establishment of separate family courts; licensing of attorneys appointed by a court to represent children; the setting up of specialized court divisions providing professional services in child protection cases; we have called for the adequate staffing in SWCs (a sufficient number of highly competent professionals with interdisciplinary skills); and a systematic training of professionals participating in the judicial process. We have also urged the establishment of the Child Victim/Witness Services Divisions offering local support and assistance to child victims and witnesses, the re-design and refurbishment of courtrooms and surrounding areas to make them more child-friendly and the modification of requirements for children's participation in court proceedings to better suit the children's needs. We have established collaboration with the Association of Youth and Family Court Judges and Child and Youth Care Professionals, the Ministry of Justice (MOJ), the academic community and several external experts, all with the aim of increasing the level of protection of children's rights in the judicial process; we have also gotten involved in the work of task groups appointed to propose draft legislation governing the children's status in judicial process. We have encouraged the Government of the Republic of Croatia to sign and ratify the Third Optional Protocol to the Convention on the Rights of the Child so as to provide the children with an international legal instrument allowing them access to complaint procedures in cases where legal tools available at the state level are lacking or ineffective. We have organized four expert panels meetings on the status of children participating in judicial proceedings - placing special emphasis on the importance of implementation of major provisions of the European Convention on the Exercise of Children's Rights - and published proceedings of two expert panel meetings on protection of child victims and offenders in judicial proceedings in order to allow a large number of experts (in direct contact with children during the course of the judicial proceedings) access to resulting insights and information.

4.7 PROTECTING THE RIGHTS OF CHILDREN INVOLVED IN SPORTS

In 2012 we handled 42 cases related to protection of rights of child athletes, which is the highest number of cases related to this area of children's activities so far. Apart from the individual complaints related to children's rights' violations, these statistics cover the number of general initiatives undertaken by the Children's Ombudsperson, expert meetings on child athletes we have attended, responses to media inquiries regarding the rights of children involved in sports, as well as the number of games, meets and events that we have attended in order to monitor children's sporting activities. Individual complaints were related to irresponsible and inappropriate coaching behavior, problems facing children attempting to transfer to another club, disciplinary actions imposed, sporting events organizers disclaiming responsibility for the consequences related to injury which may occur during a sporting event, activities designed to "promote" firearms used in shooting sports, poorly arranged chess tournaments with too many games being played

over one day, poor management of a team handball club, match result unfairly overturned at a karate tournament, irregularities in the operation of referees and judges associations, and irregularities in the girls soccer club registration procedure. A few of the cases were related to the use of and safety requirements for sports centers and indoor and outdoor sports facilities, swimming pools, ski tracks and sports fields and courts.

Children are still not allowed full access to safe, high quality sports and recreational activities. In 2012 the Sports Act has undergone yet another amendment, but not even this time were the Children's Ombudsperson's proposals and arguments accepted. Not all regulations governing the implementation of the Sports Act have been adopted nor have all of the Conclusions adopted by the Families, Youth and Sports Advisory Committee to the Croatian Parliament in April 2008 - following a discussion on the rights of child athletes - been implemented.

4.8 THE ROLE OF LOCAL COMMUNITY IN CHILDREN'S RIGHTS PROTECTION

Over the course of 2012 we issued proposals and recommendations to different units of local and district (regional) government, aimed at improving and protecting children's rights. We made inquiries regarding the extent to which children's rights are being fulfilled/enjoyed or protected in the local community; these mostly regarded the issues related to funding and delivery of early childhood education and student transportation services and the impact of the exercise of workers' rights on children, which was particularly evident in cases where labor protests had a strong effect on different aspects of children's lives in a local community.

4.9 CHILDREN LIVING ON ISLANDS

As a continuation of activities undertaken over the last several years, we have devoted a lot of our time and energy to issues related to rights of children living in island communities. Over the past five years, we have made a tour of 22 islands, visited local kindergartens, schools and public service agencies and interviewed children and several teachers and child care professionals. During our visits we became aware of the specific difficulties and numerous obstacles encountered by children in attempting to exercise their rights in different areas of their lives: education, health care, culture, child social care and infrastructure, which we have addressed in our previous reports. In 2012 we retackled the problems facing island children at the expert panel meeting entitled "Equal Opportunities for Children in Island Communities", held in the town of Rab. Conclusions reached at the conference and our previous recommendations (brought back into the light), were submitted to relevant ministries and institutions for a review.

4.10 THE MEDIA AND CHILDREN'S RIGHTS PROTECTION

Various media may help make the rights and needs of children - in different areas of their lives - more visible to the public, but at the same time, take little account of the need to preserve their privacy and protect them from harmful content on TV or the Internet, but also of the children's need for high quality contents which would encourage their development. Even though the society in general has become more sensitive to media violations of children's rights, the legislation concerned with child protection is not being implemented and the legal sanctions are rarely imposed. Children's rights are most severely violated by media coverage of incidents involving victims of child sexual abuse, which often leads to indirect disclosure of child's identity. The Professional Journalists' Ethics Committee routinely responds to complaints by rebuking the journalist or the editor, but such sanctions lack sufficient bite, and publishers are not held legally responsible for negligence. We also need to point out that children have to be seen as holders of certain rights, such as the right to free access to information, and the social media users and must therefore be provided not only protection, but also an opportunity to develop skills and habits of media literacy, which often plays an important role in facilitating child's inclusion and participation in community life. We believe that a research and development center conducting research on how media affects child health and development should be established in Croatia.

4.11 - 4.12 NATIONAL DOCUMENTATION PACKAGES AND STRATEGIES ON THE PROTECTION OF CHILDREN'S RIGHTS

The Office of Children's Ombudsperson regularly monitors and documents the implementation of the National Action Plan on Children's Rights and Interests 2006-2012, the National Strategy for Prevention of Behavioral Disorders in Children and Youth 2009-2012, the National Strategy to Provide Equal Opportunities for People with Disabilities 2007-2015 and the National Human Rights Promotion and Protection Program 2008-2011. In addition, the Office also actively participates in the implementation process to a certain extent.

4.13 “CHILDREN ON THE MOVE” PROJECT

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The Office is also actively involved in the design and development of the project entitled “Children on the Move - Developing a System Offering Help and Protection to Unaccompanied Foreign-Born Children in the Republic of Croatia”, which was endorsed by the Ministry of Regional Development and EU Funds and headed by the Office for Human and Ethnic Minority Rights to the Government of the Republic of Croatia. The project aims to raise awareness of the status of unaccompanied minors, and to facilitate the establishment of a systematic course of action to improve the identification procedure and the quality of help and protection provided to such children. The main project activities are directed towards the setting up of a Protocol outlining the procedures to be followed by the authorities, and a systematic training program for professionals involved in the protection of this group of children. The Office supports the idea of creating (within the scope of the project) a list of registered child care providers for those in need of specialized child care services who may be appointed to unaccompanied children (covering the entire territory of the Republic of Croatia), and of directing activities towards the construction of adequate housing facilities, since the existing facilities do not meet the standards of care.

5 Warnings, Proposals and Recommendations to Prevent Harm to Children

In accordance with the Children’s Ombudsman Act, the Children’s Ombudsperson has the authority to issue warnings, lay out proposals and make recommendations. These recommendations help us bring the need to achieve a higher level of protection of children’s rights and interests to the attention of various institutions, entities and individuals. Over the course of 2012, we made a number of recommendations regarding the protection of individual children’s rights or the circumstances of individual cases. In addition, we issued 51 General Recommendations to relevant institutions aimed at improving the quality of protection of a large group of children in the Republic of Croatia. The recommendations were made with regard to legal protection of children in family-related cases (5), education (10), health care (3), juvenile justice system (5), child safety (8), protection of property interests (2), sports (2), protection of groups of children seen to be at elevated vulnerability (8), media (3) and other areas of children’s lives (5).

6 Involvement in Legislative Drafting and Initiatives for Adoption and Amendment of Legislation

Apart from participating in the activities of expert task groups formed to draft the Social Welfare Law Amendment Act and the Protocol on Unaccompanied Alien Child Protection, we have also actively participated in adopting the total of 33 regulations. After a careful review, we made no comments to 4 regulations, while we offered specific proposals in relation to the remaining 27 regulations. We proposed initiatives to adopt new regulations in two cases.

We offered proposals and opinions regarding the following: the Family Law Act; the Family Home Day Care Act; the Act to Amend the Elementary and Secondary Education Act; the Act to Amend Early Childhood Education Act; the Public Order Act; the Act to Amend Minor Offence Act; the Probation of Offenders Act; the Act to Amend the Criminal Law Act; the Collateral Consequences of Conviction, Criminal Records and Rehabilitation of Offenders Act; the Act to Amend the Youth Court Act; the Act on the Execution of Sanctions Imposed on Juvenile Misdemeanor and Felony Offenders; the Social Welfare Act; the Act to Amend the Foster Care Adoption Act; the Residence Act; the Personal Name Act; the Act on the Use of Human Tissue and Cells for Human Application; the Act to Amend the Sports Act; the Act to Amend the Volunteer Services Act; the Act to Amend the Croatian Radio and Television Broadcasting Act, the Act to Amend the Execution Act; the Act to Amend the Cash Assets Repossession Act; the Control of Weapons and Firearms Act and the Ombudsman Act. We also gave our opinion in the following matters: the Protocol for Child Protection Practices in Domestic Violence Cases and the Agreement between the Croatian Radio-Television Network and the Government of the Republic of Croatia. We reminded relevant authorities of their obligation to draft the Rules Governing the Terms and Conditions of Beer Advertising and to implement the Cycling Education Program, the Cycling Proficiency Test (including knowledge and an on-cycle skill test) and the Cycling Certificate Template.

We have made a proposal to introduce two new regulations: the one governing children’s involvement in arts-related activities, activities utilizing audio-visual media-materials and marketing activities and the other offering protection to children in scrap gold and silver transactions.

7 Inspections Tours of Educational and Child Care Institutions and Other Institutional Settings

Pursuant to the powers entrusted to us and the authority to enter licensed premises to carry out inspections of the quality of care provided to children who are placed in temporary or permanent care of natural persons, corporations or other legal entities, we inspected 57 institutions and locations: 10 social welfare institutions (eight residential facilities for children without adequate parental care, a residential treatment center for children with behavioral disorders and a Family Center), a certified family homes, 28 education institutions (12 kindergartens and home daycare centers, six elementary schools, five high schools, four dormitories and a cultural education center), three health care facilities, two therapeutic communities, three playrooms, two children's resorts, four juvenile correctional facilities, two child care organizations and two Roma settlements. In the course of our inspection tours we thoroughly examined the quality of accommodation, education and care provided; the opportunities for children's active involvement in certain issues related to a life in institutional care and the operation of child care institutions; and the collaboration with other relevant institutions.

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8 Other Activities Relating to Promotion and Protection of Children's Rights

In 2012 we organized seven expert meetings: "Healthy Eating at Kindergartens, Elementary Schools, High Schools and Child Care Facilities - Where do We Stand Today?" (held October 29 in Zagreb); "Equal Opportunities for Children in Island Communities" (held November 6-7 in Rab); "Children and Youth Policy from the Perspective of the European Union, the Council of Europe and the Republic of Croatia" (held November 27 in Zagreb), in collaboration with the UNICEF Office for Croatia and the Children's Association Coordinating Committee; "What Significance Does the European Convention on the Exercise of Children's Rights Hold for Children?" in collaboration with the CBA (held February 14 in Osijek, February 23 in Rijeka, February 28 in Split and February 21 in Zagreb - a collaborative session with the Association of Youth and Family Court Judges and Child and Youth Care Professionals. We organized an expert panel meeting entitled "The Initiative to Set Up a Missing Children Hotline" (held November 15 in Zagreb). We helped organize other conferences and events: a book promotion - we co-hosted a launch for a book entitled "Children of the Media - From Marginalization to Sensationalization"; the Children's Rights Festival and a joint press conference by the Children's Ombudsperson and the CBA. We have completed several publishing projects. We published proceedings of two expert panel meetings intended for professionals involved in the protection of children's rights, the "Protection of Rights and Interests of Children with Behavioral Disorders" and the "Children in Judicial Proceedings - Implementing the European Convention on the Rights of the Child". We also published a 2013 children and youth's wall calendar and republished a brochure on the Convention on the Rights of the Child for children and adults. We gave presentations at more than forty conferences and published a total of 18 articles in conference proceedings, journals, magazines and other periodicals.

9 Meetings, Interviewing and Collaborating with Children

A significant portion of our work consists in meeting, interviewing and collaborating with children. The Children's Ombudsperson and her associates work with children in different settings - the meetings takes place in the course of inspection visits to institutions that children spend their time in, at the Children's City Council sessions, children's art shows and crafts festivals, sporting events and exhibitions of student's human rights projects and at human rights schools. In addition, children often visit us at our offices in Zagreb, Split, Osijek and Rijeka. This gives us an opportunity to find out about their problems and learn about their views, observations and suggestions regarding the issues they deem important. We need to emphasize that we are continuously working with children through the activities of the Young Advisors Network to the Children's Ombudsperson.

10 International Collaboration

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We have continued our long-term collaboration with international organizations and collaborative networks such as ENOC, ENYA, CRONSEE, EUROCHIPS, UN and UNICEF. We have initiated bilateral collaboration with the representatives of 12 international organizations and states. We have attended 19 international conferences and other expert meetings in the country and abroad; at some of them we delivered invited or contributed presentations.

11 Activities of Regional Offices

The activities of the Children's Ombudsperson are carried out by the head office in Zagreb and three regional offices located in Osijek, Rijeka and Split. The Office operations and procedures are organized in such a way so as to enable a relatively small number of consultants with multidisciplinary skills to cover different areas of children's rights protection. Activities aimed at promoting children's rights are carried out in conformity with the territorial principle, while the handling of complaints related to individual instances of violations of children's rights and the initiatives to develop an integrated system for children's rights protection are carried out according to functional principle, in keeping with the expert knowledge and professional experience of the consultants and regardless of the region that the child is coming from. In 2012 we marked the 5th anniversary of regional offices in Split, Osijek and Rijeka; over the years, we have managed to make our services more accessible, especially by the introduction of a home visiting program providing one-on-one consultation.

12 Organizational Structure and Finances

The Office comprises the Expert Services Department and the General Services Department. It employs, aside from the Ombudsperson and her two deputies, 16 civil servants out of the 23 initially required. The Zagreb office employs ten people while the offices in Split, Rijeka and Osijek employ two people each. 12 out of 16 staff members provide expert consultant services and four provide administrative and technical support. Regional offices do not employ administrative and technical support staff. Out of a total of 19 employees (16 civil servants and 3 officials), 15 make up the expert team - comprised of university degree holders: eight have LLB degree, two have bachelor's degree in pedagogy, another two in psychology, one has a bachelor's degree in social pedagogy, another one in social science and the last one in educational rehabilitation.

Staff employed by the Children's Ombudsperson's Office over the 2005-2012 period

	2005	2006	2007	2008	2009	2010	2011	2012
Number of Civil Servants and Officials Employed by the Office	8+3	8+3	12+3	13+3	16+3	16+3	16+3	16+3

The Children's Ombudsperson's Office carries out its duties on four locations: in Zagreb at Nikola Tesla Street, No. 10; in Osijek at Petar Preradović Boulevard, No. 7; in Split at Kaliterna Brothers Street, No. 10 and in Rijeka at Trpimir Street, No. 2. All our premises meet work space requirements.

According to the 2011-2013 Strategic Plan, the 2012 Annual Work Plan and the Development Strategy for the Office, the budget allocated to the Children's Ombudsperson was 5.312.000 kunas. Funds were allocated pursuant to the Budget Act, the Public Procurement Act and other regulations governing expenditure management of state-funded institutions and entities, and a set of guidelines drawn up by the Ministry of Finance and the State Treasury. The budget execution rate was 97.98% (5.199.834 kunas).

Children's Ombudsperson's Office Budget Planning and Execution for a period 2005-2012

	2005 Budget	2006 Budget	2007 Budget	2008 Budget	2009 Budget	2010 Budget	2011 Budget	2012 Budget
Budget Plan	2.654.578	2.848.200	4.179.000	5.573.000	5.714.232	6.209.680	5.728.930	5.312.000
Budget Execution	2.173.247	2.709.864	4.082.059	5.287.665	5.684.842	6.130.709	5.406.902	5.199.834
Budget Execution Rate (%)	81.87	95.14	97.68	94.88	99.49	98.73	94.38	97.89

Over the course of the year we successfully collaborated with the Ministry of Finance and the State Treasury with respect to the well-timed and planned budget funds usage. Budget revisions were approved on the basis of the estimated dynamics and activities agenda of the Office. The 2012 Annual Financial Report of the Children's Ombudsperson was completed before the expiration of the deadline and, pursuant to the Subsections 1 and 3 to the Article 105 of the Budget Act, lodged with the State Auditor's Office and the Financial Agency.

13. Status of Children's Ombudsperson

Zaključak

After the Office of Children's Ombudsperson and other specialized ombudspeople offices merged with the Office of Ombudsman at the end of 2011 - pursuant to the Ombudsman Act - the Act has been declared unconstitutional by the Constitutional Court of the Republic of Croatia and a new one was adopted in June 2012 - allowing the Children's Ombudsperson and other specialized ombudspeople to regain their independent status. It seems that it has been recognized that the true strength of an institution lies in the agility, commitment, initiative and motivation of its employees, and the persistent pursuit of their mission, not in its size and numbers. We are pleased to see that the Republic of Croatia is determined to treat children as a large and significant group deserving of our undivided attention; the decisions affecting children's lives should be specific, effective and sustainable; adults should assume responsibility for healthy upbringing of children, recognize their needs, help children develop a sense of responsibility and ensure that all children's rights are respected.

14 Conclusion

The 2012 Annual Report covers numerous aspects of children's lives in which their rights are violated or not fully exercised. Old problems are still present and, regrettably, new ones emerge every year. In spite of the fact that we have, over the years, repeatedly pointed out that conflictual family relations and a lack of effective protection for children against violence pose a threat to children's safety, these problems are still the most common cause for complaints filed with the Office.

Current level of protection offered to children faced with a **termination of parents' marriage or civil partnership**, in cases where an interfering parent prevents the child from visiting or staying with the other parent, is still not sufficient. Estimates show that each year approximately 1500 children are denied contact and quality time with the noncustodial parent. Under such circumstances, expert interventions and child protection mechanisms may produce positive results, but only provided that the parents receive professional counseling, are able to recognize the negative impact of their behavior on a child, feel motivated to change their behavior and are able to identify child's needs and distinguish them from their own. If, on the other hand, parents refuse to cooperate - either with each other or with the SWC - there seems to be no other way to effectively protect the child and his/her rights. Response of the authorities to manipulative parents' behavior often comes too late and leads to the alienation of a child from the other parent. In such cases, the insistence on implementing long overdue orders, which are supposedly made in child's best interest, is perceived as child "abuse". Given the number of children who have been, over the years, affected by their parents' behavior, it is about time that we came up with more efficient mechanisms of legal effect.

A timely and integral **protection of children against violence and neglect**, delivered by professionals, is still lacking. Children are exposed to violence in their families, schools, children's residential homes, sports clubs and in the streets. In addition, adults' violent behaviors and outbursts are part of their everyday lives, in private space and public places. Corporal punishment of children is still widely approved by the society as a "disciplinary method". Violence in education institutions is increasingly more often intertwined with the Internet and mobile abuse and the theme of peer violence still gets a lot of media attention, which only strengthens the impression that violence is an omnipresent reality. At the same time, education workers voice helplessness and seek protection from student violence and abuse; they see a solution in stricter enforcement of disciplinary actions. However, intensified repression, without prevention and continuous work with students, does not address the root cause to eliminate the source of the problem.

In spite of the improved legislation, protection of children from sexual violence is still insufficient. There are still some "loopholes in the law", allowing sex offenders to be employed in a position that involves daily contact with children, even after they have been found guilty. We are concerned over the lack of resources for provision of well-timed and high quality support to sexually abused children; the treatment of child victims of sexual abuse in the course of judicial proceedings is also questionable. We cannot be satisfied with the way in which the rights of **children with behavioral problems** are protected. Preventive activities are not properly interlinked, organized, structured or evaluated.

Interdepartmental collaboration and joint planning efforts are still lacking, and the departments often shed and delegate responsibilities.

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Conclusion

In spite of the changes introduced to legislation aimed at decreasing **the number of children in institutional care**, the numbers have pretty much remained the same. Not enough foster placements are being found for children, foster care system is developing at too slow a pace, and there are no available specialized foster care programs. Support provided to biological parents in their efforts to meet the requirements for regaining custody after losing a child to institutional care, is also insufficient. There is no excuse for keeping the children - in cases where it has been established that sending the child back to his/her birth parents is not in the child's best interest - in institutional or foster care, instead of placing them for adoption. A cause for considerable concern is the fact that child care institutions accommodate, among others, children eligible for adoption.

In terms of children's **physical and mental health protection**, there is still the issue of insufficient number of professionals specializing in specific disciplines and either non-existent or old, decrepit pediatric units in healthcare facilities. Parents increasingly more often launch humanitarian campaigns to raise the funds to pay for a child's treatment abroad. Parents need to be provided high quality information on the right of access to healthcare services covered by their Health Care Insurance Plan, particularly the right to claim reimbursement for expenses of medical treatment obtained abroad. We need to provide support to parents and children and make sure that child's privacy and dignity are preserved in the course of medical treatment.

We have observed that efforts are being made to carry out certain activities aimed at improving children's eating habits and preventing obesity in children; such activities require a more active parental involvement, given the part they play in shaping children's eating habits.

Last year was marked by the **poverty** caused by the global financial crisis and the current economic and political climate in the country. Declining living standards; living in poor and overcrowded housing conditions; difficulties caused by garnishments of parents' accounts, assets and investments; unpaid child support payments, but also social security rebates and benefits cutbacks, had a strong impact on children's lives. To ensure their protection, it is necessary to increase social sensitivity of the government officials to bring in and implement measures and programs aimed at helping the socially challenged.

The level of **efficiency of legal system** in proceedings to decide matters related to children's rights is not satisfactory enough yet. Lengthy court proceedings, late introduction of measures to protect children's interests and court decisions enforcement inefficiencies, cause numerous problems. Although some progress has been made, the system for protecting child victims and witnesses still reveals many shortcomings; a lot of efforts still need to be made to ensure that each child in such circumstances is granted the right to be treated according to his/her age and individual needs. We need to invest further in courtroom design, technology and staffing as well as introduce changes to court operations in order to increase the efficiency of the legal system with respect to protection of children in judicial proceedings. Even though the protection of rights of juvenile felony and misdemeanor offenders is properly regulated and complies with international standards, the implementation of legislation may have some setbacks.

For the purpose of improving **curriculum contents** as well as spatial configuration and staff numbers and qualifications in educational institutions, a bundle of clearly defined measures needs to be adopted and immediately implemented; the implementation should be aided by the allocation of adequate funds at national, regional and local level. The apparent absence of appropriate legislation and a lack of professional competence as sometimes exhibited in the school employees' performance, render timely and efficient child protection even more difficult. It is therefore necessary to continuously carry out professional training and development programs for preschool/daycare teachers, elementary/high school teachers, school professionals and principals in the field of human and children's rights, build their professional competencies and establish a system of performance evaluation and certification. School should be a place where children may get all information related to preservation of their mental, sexual and physical health, violence and substance abuse prevention and the development of healthy lifestyles.

The exercise of educational rights still presents a problem for **children with developmental disabilities (DD)** and their parents. It is necessary to create conditions facilitating the integration of developmentally disabled children into the regular education system and to ensure appropriate support, pursuant to the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

Status of **ethnic minority children** is determined by adults' behavior and often, regrettably, by their lack of understanding for and intolerance of these children's needs. Hence, this year, too, we need to emphasize that it is necessary to focus our attention on the ethnic majority and set up campaigns aimed at eliminating prejudices, improving human rights situation and teaching respect and recognition for differences.

Injuries that children sustain in playgrounds and playrooms suggest inadequate play spaces, unmaintained and defective play equipment and a lack of supervision. It is the responsibility of units of local government to maintain and supervise playgrounds, and the state is required to take necessary measures designed to facilitate the enactment of the law granting children the right to safe play and to growing up in a safe environment.

Insufficient protection of children as **traffic participants and home-to-school transport users** suggests the need for increased road traffic control and enforcement and obedience to traffic safety regulations, improvement to road infrastructure and adult's intensified efforts to increase the safety of children.

Failure to make proper and timely investments into infrastructure and modernization of **polluting** industrial facilities results in growing environmental threats to children's health in polluted areas. Therefore, environmental protection is still an important and urgent issue for the state and local communities.

More efforts need to be made to allow children to fully exercise their **right to participate in decisions** that affect them. In addition to introducing sensibilization and training programs for adults - who must make provisions for children to participate in various ways - it is important to inform and empower children and youth to take an active role in the society, and to pay due attention to any views and opinions expressed by children. We need to emphasize our own positive experiences resulting from our collaboration with members of the Young Advisors Network to the Children's Ombudsperson. There are still no adequate laws and regulations guaranteeing a more effective child protection and full recognition of children's needs and interests when it comes to their **leisure time** - during which childhood consumerism is encouraged and increased, and the children are being exploited for commercial purposes. Rights violations experienced by children engaging in **sporting activities** call for the increased involvement of various institutions, organizations and individuals, allowing children access to safe delivery of high quality sporting activities.

Even though the society in general has become more sensitive to media violations of children's rights, the legislation concerned with child protection is not implemented and the legal sanctions are rarely imposed. Children have to be seen as holders of certain rights, such as the right to free access to information, and the social media users and must therefore be provided not only protection, but also an opportunity to develop skills and habits of media literacy.

This is a brief overview of problems encountered by Croatian children in their everyday lives that we have come across in the course of our duties. As members of a responsible society, we have an obligation to raise public awareness of such problems; to eliminate all irregularities; to solve problems; to help decrease the number of children's rights violations and to make children's participation in our society as visible as possible.

15 Legend

Abbrev./Acron.	Full Name
ADA	Anti Discrimination Act
CBA	Croatian Bar Association
CRONSEE	Children's Rights Ombudspersons' Network in South and Eastern Europe
DD	Developmental Disabilities
EATTA	Education and Teacher Training Agency
ENOC	European Network of Ombudsmen for Children
ENYA	European Network of Young Advisors of Ombudspersons for Children
EUROCHIPS	European Committee for Children of Imprisoned Parents
MENP	Ministry of Environmental and Nature Protection
MFEA	Ministry of Foreign and European Affairs
MOH	Ministry of Health
MOI	Ministry of the Interior
MOJ	Ministry of Justice
MOLAPS	Ministry of Labour and Pension System
MOSEAS	Ministry of Science, Education and Sport
MOSPAY	Ministry of Social Policy and Youth
PD	Police Department
SWC	Social Welfare Center
YAN	Young Advisors Network

