



Annual Report on the Activities of the Ombudsperson for Children 2013.

Zagreb, March 2014

(2)



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1 Introduction

(4) The 2013 Annual Report on the Children's Ombudsperson's Activities sums up the work and activities performed by her Office and provides an overview of data relating to child rights violations reported last year. The Annual Report is submitted in accordance with Article 18 of the Ombudsman for Children Act. The way in which data is compiled and presented closely follows the methodology used over the past several years and thus allows you to keep track of and compare incidence rates and prevalence of violations of children's rights occurring over a long period of time.

The Report is divided into several sections. The opening section of the Report gives an overview of violations of children's rights reported as single incidents; the following sections provides a brief overview of the activities conducted by the Young Advisors Network (YAN) to the Children's Ombudsperson and the general initiatives of the Office, that is, proposals and recommendations to develop an integrated system for protection of children's rights. This is followed by a part relating to warnings, proposals and recommendations to keep children safe or to protect them from harmful influences; proposals to amend legislation; reports on visits to various (education and childcare) institutions, interviews with children and our international activities. The report finishes off with an overview of activities carried out by regional offices.

Even though 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.

Some of the issues that we have dealt with over the last year we have selected ourselves, observing life events in children and adolescents or certain social groups and considering it our obligation to intervene on behalf of children - sometimes simply by discussing such events, other times by initiating or coordinating concrete actions. However, many of the issues imposed themselves upon us - issues arising in the course of children's daily lives that were brought to our attention either through individual complaints received by the Office or on the initiative of certain institutions and groups acting in accordance with international child protection standards and objectives.

The 2012 Annual Report on the Children's Ombudsperson's Activities was approved unanimously at the Ninth Session of the Croatian Parliament held on October 18, 2013 (the vote was 120 in favour to zero against); the executive bodies appointed by the Parliament (the Education, Science and Culture Committee; the Committee on Human and National Minority Rights, the Committee on Family, Youth and Sports and the Gender Equality Committee) debated the Report in May and July 2013.

In 2013, 2659 new cases were opened; among these, 1436 were complaints related to violations of children's individual rights and 1223 were general initiatives launched by the Office. The number of newly filed complaints has increased by 208 compared to the previous year. In 2013, single instances of violations of children's right affected 2435 children. 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 (1999).

We feel it is important to mention in the introduction that the fall 2013 marked the 10th anniversary of the passing of the Children's Ombudsman Act and the establishment of Ombudsman for Children's Office as an independent state institution. To mark the 10th anniversary of the establishment of the Ombudsman for Children's Office in Croatia - coinciding with the Republic of Croatia being accepted as a member nation in the European Union - we requested an external evaluation of the work done by the Office over the last ten years, especially within the last five years (taking into account that we have requested a comprehensive performance evaluation five years ago, which was conducted by in-country and foreign experts alike). The evaluation report was written by Prof. Marina Ajduković, D.Sc., a children's rights expert, a consultant and evaluator responsible for reviewing and providing advice on national strategies and documents. She has conducted the evaluation using data presented in our annual activity reports and other documents, views and opinions expressed by experts who keep track of the work done by this institution and the statements given by children - members of the Young Advisors Network to the Ombudsperson for Children's Office. The purpose of both evaluations was to get an accurate assessment of the work done in the past,

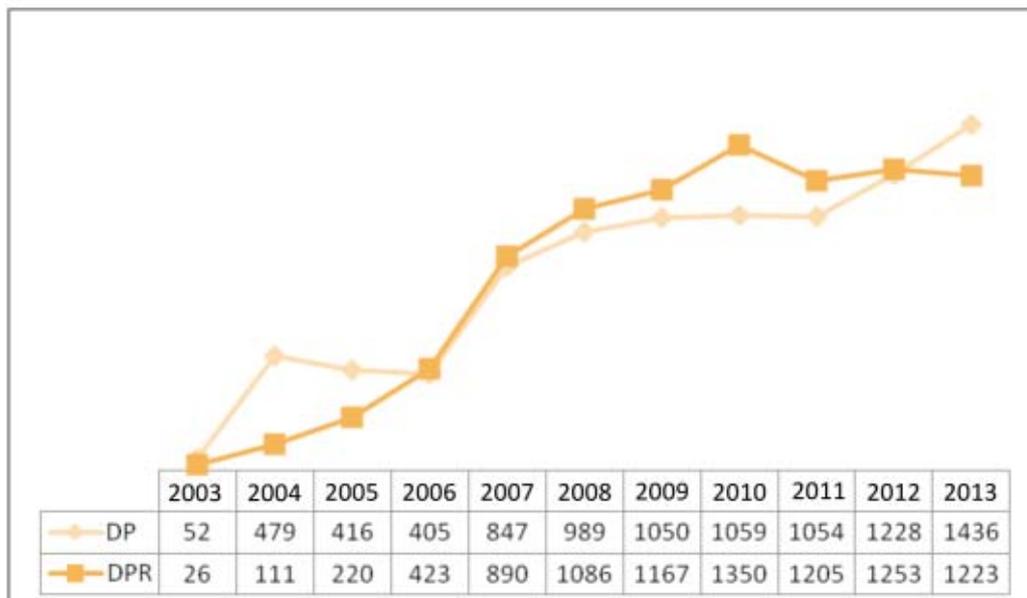
but also to get motivated to achieve even more in the future. The evaluation results were published in an edition issued to mark the occasion and distributed to all interested parties; it was also delivered to all members of the Croatian Parliament.

The evaluation results were first presented to the Croatian Parliament during the course of the debate entitled "Children's Rights in Croatia Today", attended also by children and young people: two generations of members of the Young Advisors Network and members of various children and youth's representative bodies in Croatia participated in the debate. Young debate participants also discussed the current issues facing children when it comes to exercising their rights and offered their solutions. We used the occasion to talk about our achievements, but also to outline numerous tasks and challenges awaiting us and reminding us that further diligence in carrying out our responsibilities is required for the future.

As with annual reports from previous years, this year's report also gives a detailed overview of many violations of children's rights, which unfortunately occur in different areas of their lives. Same as before, single cases of children's rights violation have been given priority, but we have simultaneously launched or gotten involved with many general initiatives, as it was our desire and intention to help create better living conditions for children in the Republic of Croatia. Complaints relating to single incidents of children's rights violations arising from unstable family relationships and exacerbated by unfavorable family circumstances are still most commonly filed, followed immediately by violations of children's rights involving violence or abuse against children, similar to previous years. We have been trying to draw attention to these issues for years, pointing out the need for institutions to get more involved - to develop and implement effective measures and take actions; however, the fact that no significant progress has been made gives a justified cause for concern. The question then arises as to whether our warnings, recommendations and proposals are taken seriously at all and whether we, as a society, are strongly determined to work together to solve the existing problems.

We are well aware that there are no easy, simple solutions, and that it will require a lot of energy and effort to make progress toward our goals, but the fact that authorities have turned a deaf ear to our requests and seem to lack interest in solving these issues calls into question the very notion of children's rights and with it the authority of the ombudsman institution.

We need to mention here the problem of poverty and its impacts on society at both local and global levels. Impoverishment caused by the global economic crisis and the general social, political and economic conditions in the country has a negative impact on quality of life of children and threatens many of the children's rights, sometimes even their right to survival. Children growing up in poverty have elevated risk for socioemotional difficulties; first of all, poverty puts children at greater risk for neglect and abuse, but also poses barriers to access to healthcare, welfare, educational and cultural services important in children's



Number of complaints related to single instances of violations of children's rights (DP) and general initiatives (DPR) over the period 2003 to 2013

(6)

| Complaints Related to Single Instances of Violations of Children's Rights | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|---|------------|------------|------------|------------|------------|-------------|-------------|-------------|-------------|-------------|
| Personal Rights | 363 | 282 | 244 | 557 | 635 | 625 | 687 | 636 | 753 | 701 |
| Rights of Children as Members of Society | | 2 | 4 | 13 | 13 | 13 | 11 | 6 | 11 | 11 |
| Educational Rights | 43 | 31 | 56 | 105 | 121 | 187 | 153 | 159 | 161 | 262 |
| Healthcare Rights | 10 | 15 | 10 | 22 | 32 | 35 | 21 | 25 | 28 | 107 |
| Social Rights | 21 | 23 | 14 | 26 | 31 | 48 | 29 | 43 | 42 | 55 |
| Economic Rights | 18 | 26 | 9 | 57 | 56 | 55 | 72 | 79 | 93 | 90 |
| Cultural Rights | 2 | 2 | 7 | 11 | 15 | 11 | 10 | 8 | 19 | 26 |
| Rights in the Civil and Criminal Justice System | 25 | 4 | 17 | 30 | 37 | 33 | 38 | 55 | 61 | 81 |
| Child Safety and Protection | | | | | | 12 | 12 | 15 | 13 | 25 |
| Discrimination | | | | | | 3 | 3 | 6 | 16 | 25 |
| Cases Outside Our Jurisdiction | | | | | | 22 | 19 | 16 | 26 | 42 |
| Other Cases | 42 | 31 | 44 | 26 | 49 | 6 | 4 | 6 | 5 | 11 |
| TOTAL | 524 | 416 | 405 | 847 | 989 | 1050 | 1059 | 1054 | 1228 | 1436 |

development. Children can not wait for better times ahead to exercise their right to healthy growth and integral development, especially those that constitute particularly vulnerable groups, such as children without adequate parental care, children with behavioral disorders, child victims of violence, ethnic minority children, children with developmental disabilities, sick children and children of incarcerated parents. It is therefore necessary to identify their needs; uncover all potential difficulties and barriers to realizing their rights; increase social sensitivity of the local community and the state; and seek out solutions and resources needed to create better living condition, allowing them to grow up well.

Children must be recognized as active and equal members of society; we should make space for the children to participate and promote children's participation in all aspects of daily life. We ourselves have learned a lot from members of the Young Advisors Network owing to the contributions they made to discussions over key issues facing youth today. We believe that their words have inspired anyone who has been listening to reevaluate the role and place of youth in society and potential of youth participation in social change.

The following section provides data on complaints received by this Office relating to single incidents of children's rights' violations and general initiatives launched by the Office of Children's Ombudsperson since the establishment of the Office up to the present day.

The summary report gives a quick overview of all chapters contained in the Report on the Activities of the Ombudsperson for Children for 2013; it is merely intended to provide an informative glimpse into the full scope of her activities. For a more detailed insight in and in-depth understanding of the nature of our work, please refer to the full text of Annual Report.

2 Monitoring and Documenting Single Incidents of Children's Rights Violations

Over the course of 2013 the Office of Children's Ombudsperson has assessed 2725 complaints related to single incidents of children's rights violations. We have received 1436 new complaints indicating possible violations of children's rights (affecting the total of 2435 children); in addition, we have continued to look into 1289 cases brought forward from previous years that required follow-up action.

Violations of children's individual rights

| Types of Individual Rights | Pending Cases Carried Forward from Previous Years | Number of Cases Opened in 2013 | Number of Children Involved (2013) |
|---|---|--------------------------------|------------------------------------|
| Personal Rights (Total) | 797 | 701 | 1161 |
| Rights of Children as Members of Society | 14 | 11 | 23 |
| Educational Rights | 186 | 262 | 423 |
| Healthcare Rights | 42 | 107 | 128 |
| Social Rights | 28 | 55 | 70 |
| Economic Rights | 129 | 90 | 182 |
| Cultural Rights | 21 | 26 | 152 |
| Rights in the Civil and Criminal Justice System | 35 | 81 | 113 |
| Child Safety and Protection | 20 | 25 | 78 |
| Discrimination | 12 | 25 | 46 |
| Cases Outside Our Jurisdiction | 2 | 42 | 46 |
| Other Rights | 3 | 11 | 13 |
| TOTAL | 1289 | 1436 | 2435 |

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Monitoring
and
Documenting
Single
Incidents
of Children's
Rights
Violations

The total number of individual cases does not include information, advice and guidance provided to clients face-to-face (in the office premises) or by phone despite its large number of almost 2000 responses and a considerable amount of time spent on inquiries, as these were mostly related to one-time inquiries or visits and did not require further consideration.

The majority of complaints were filed by parents; in 547 cases the complainants were mothers, in 304 cases fathers and in 59 cases both parents. In 39 cases children have contacted the Ombudsperson's office personally. In 43 cases the Office was contacted by grandmothers or grandfathers; some of the complaints were filed by other adult relatives of the child (9) or even neighbors (11). We have also been contacted by complainants that wished to remain anonymous (76), different institutions (163) and other complainants (153). In 32 cases the Office of Children's Ombudsperson decide on their own initiative to open an investigation, mostly prompted by media coverage of the stories related to children's issues.

Out of 1436 complaints received by the Office in 2013, the majority (701) involved violations of children's personal rights. Once again, the greatest number of complaints was related to problems encountered by parents in exercising parental rights (371) and abuse or neglect against children (273). Many of the complaints were related to alleged violations of educational rights (262), violations of economic rights (90), violations of rights of children in judicial proceedings (81) and violations of social rights (55). The number of complaints relating to violations of children's health care rights (107) has increased compared to previous years. The number of complaints relating to violations of children's cultural rights (26), the right to safety and protection (25), discrimination complaints (25) and complaints relating to the rights of children as members of society (11) have the lowest share in total complaints.

2.1. Personal Rights

Out of the total of 701 complaints relating to the exercise of personal rights of children filed with the Office in 2013, the majority involved violations of children's right to live with their parents and to parental care (371). The second most common type of complaints were those of violations of the right to protection from violence (218) and neglect (55), and the child's right to privacy (21). Other complaints involving violations of personal rights made up a smaller share of the total number; these were related to foster care placements (8), children's right to know their biological origin (6), adoption (6), the right to his-her own name (5), the right to be registered at birth (4), the right to life (3), the right to acquire a nationality (3); one of the complaints was related to the right to preservation of identity.

Personal rights

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Monitoring
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Rights
Violations

| Personal Rights | Number of Cases From Previous Years Still Under Consideration | Number of Cases Opened in 2013 | Number of Children Involved (2013) |
|---|---|--------------------------------|------------------------------------|
| The Right to Life | 2 | 3 | 5 |
| The Right to Know His/Her Biological Origin | 4 | 6 | 6 |
| The Right to Be Registered at Birth | 2 | 4 | 4 |
| The Right to One's Own Name | 3 | 5 | 5 |
| The Right to Acquire a Nationality | 5 | 3 | 5 |
| The Right to Preservation of Identity | 1 | 1 | 1 |
| The Right to Live with His/Her Parents and to Parental Care | 373 | 371 | 547 |
| Adoption | 17 | 6 | 9 |
| The Right to Protection From Violence | 307 | 218 | 427 |
| Neglect | 55 | 55 | 98 |
| Custodial Issues | 1 | 0 | 0 |
| Foster Care Placement | 5 | 8 | 21 |
| Child's Right to Privacy | 22 | 21 | 33 |
| Other Rights | 0 | 0 | 0 |
| TOTAL | 797 | 701 | 1161 |

Apart from these complaints, we have also followed up on 797 complaints involving children's rights' violations carried over from previous years, which mostly concerned children's right to live with their parents and to parental care (373) or to protection from violence (307).

Complaints involved the total of 1161 children. In most cases, complaints were filed by mothers (269) and fathers (184), while 16 complaints were filed by both parents together. 16 complaints were filed by children themselves.

2.1.1 CHILDREN'S STATUS RIGHTS

There were 20 complaints related to the exercise of children's status rights submitted to the Office. We have received inquiries related to children's right to know their biological origins; to be registered at birth; the right to his/her own name; the right to acquire a nationality as well as to a determination of residency status of children of foreign nationals. Realization of these rights may have a significant impact on the realization of many other children's rights.

2.1.2 THE RIGHT TO PRESERVATION OF ONE'S IDENTITY

Sexual and Gender Identity - In 2013 we continued to monitor the realization of rights and interests of children who have been diagnosed with gender identity disorder (transsexualism); we have observed a shortage of professionals who could provide medical and counseling support and treatment, legal advice or useful tips, advice and ideas for their everyday life to transgender and transsexual children.

2.1.3 THE RIGHT TO PRIVACY

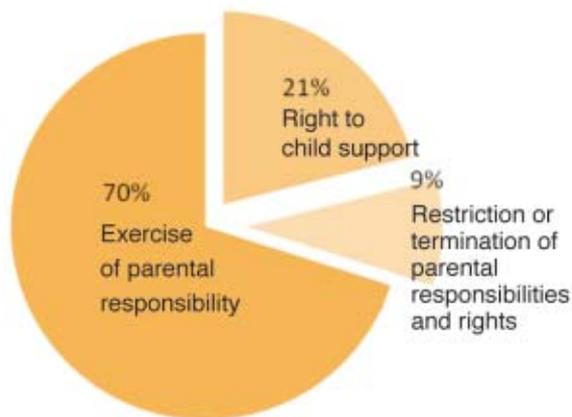
Out of 77 cases related to violations of children's right to privacy we handled in 2013, 21 were individual complaints, while in the remaining 56 cases we assessed complaints related to violations of other rights, which indirectly led to a violation of their privacy rights. These were mostly related to improper or unauthorized collection, use, disclosure, retention and/or disposal of personal information and unauthorized or unlawful disposition of children's records, in most cases unlawfully published photos or videos and children's personal information on social networking sites. We have also received a relatively large number of inquiries by telephone and several comments from our clients. Although there are many laws governing legal protection of children against unlawful attacks upon their honor and reputation, judging by the num-

ber of complaints, it seems that the legal instruments used to protect children are not efficient enough. We have observed insufficient familiarity with the ways to protect children's privacy and superficial acquaintance with laws; unprofessional behavior of adults toward children who showed no respect for a child as an individual and endangered their privacy or safety; inflexibility of legislation in responding to specific circumstances that a child may find himself/herself in; lack of classroom and home "educational" activities that can be used to teach children the importance of the right to privacy and the respect for privacy of others. The Personal Data Protection Agency has improved the personal information handling practices by making sure policies and procedures are in place to protect the information from further disclosure; however, it is important to continue efforts to raise public awareness about the importance of protecting and preserving children's privacy in all aspects of their lives.

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 again the most common reason for complaints filed with the Office this year. We have received 371 complaints, involving 547 children. Out of the total number of complaints, 33 complaints (9%) were related to restriction or termination of parental responsibility; 78 complaints (21%) were related to children's right to be supported by their parents, while 260 complaints (70%) regarded issues related to the exercise of parental responsibility.

Children's right to live with their parents and to parental care - total number of complaints



For the most part the complaints were related to dissatisfaction over the performance of institutions entrusted with responsibility to carry out all the relevant procedures and conduct professional interventions in child protection cases (social welfare centers and courts); concern about the competence of such institutions and the reliability of their expert assessments; and discontent with the treatment of a child by the "other" parent. This is particularly evident in cases involving dissolution of a marital or cohabiting union of parents. A certain number of complainants, mostly parents and immediate family members were not willing to assume their share of responsibility for the situation a child has found himself/herself in nor were they willing to listen to or consider others' views and opinions about the position of the child and his/her needs that need to be met in family environment. This puts a child in a difficult situation and has a largely negative effect on child development.

While monitoring events in this area, we have observed that there are not enough counseling centers that would provide counseling and support services to parents and children that can assist them to overcome issues relating to parental care, family relationship issues and problems parents face in raising their children. The idea of shared parental care is not being promoted by experts well enough. Many of the problems are related to the visitation with a noncustodial parent after the parents' union dissolution. What is disconcerting is the number of children exposed or subject to manipulative parents' behavior, which may result in child's alienation from a parent and development of different sorts of emotional problems in children. Social welfare centers are struggling with a shortage of properly trained professionals, and the existing professionals need to strengthen their skills and competencies; provision of continuing education and professional supervision is vital to being able to maintain high performance in the work place.

Judicial proceedings take too long to be resolved and specialized family courts - that might resolve cases quickly and more efficiently - have not yet been established. We have observed the need for further professional education and training for judges in the field of developmental psychology and the child's developmental needs, especially when it comes to children growing up in circumstances that pose a threat to the psychological development of the child. Continued disobedience of court orders issued to safeguard the rights and wellbeing of children poses a huge problem; sanctions for parents who fail to comply with the court order are mild and ineffective, denying a child much needed and timely protection. What we need to do is set up workshops on the implementation of legislation relating to safeguarding and protecting the safety and wellbeing of children in judicial proceedings, which would be attended by employees of different institutions in order to promote and strengthen collaboration between agencies and other relevant bodies and their coordinated action, exchange of experiences and unification of practices.

The main problem observed in cases relating to wrongful removal or retention of a child were lengthy procedures and difficulties encountered when attempting to enforce an order for the return of a child wrongfully removed or retained to his/her country of habitual residence.

Child Support - complaints related to violations of the children's right to be financially supported by their parents point to many challenges and inconsistencies in implementation of legislation, but also indicate that parents often find themselves ill-informed and confused about children's rights and the ways to protect them. We have received 78 written complaints relating to the right to financial support from parents and the methods used to enforce a child support order; the total number of children affected by non-payment of child support was 119. Among these, there were 15 inquiries related to the process of filing for support and child support collection methods; 46 complaints were related to child support proceedings; 10 were related to wage garnishment and property seizure; two were related to the conduct of criminal proceedings; and five were related to requirements for issuance of a temporary order of support. Our records show that we have received approximately ten inquiries on the issues of child support for children at or over the age of majority and still attending secondary education. Aside from these, we have received 166 complaints by phone or face-to-face from clients regarding child support eligibility issues; they increased by as much as 38% compared to last year. In all cases we informed our clients of the possibility to seek free legal advice and provided guidance on child support laws.

2.1.5 FOSTER CARE PLACEMENT, DEINSTITUTIONALIZATION AND ADOPTION

The range of foster care placements and the quality of care provided in the foster care system are still not satisfactory, in spite of many efforts to encourage fostering and improve foster care by launching, among other things, fostering awareness campaigns. There is still a shortage of specially trained foster families who provide supervision and care for children under three years of age (one of the reasons is that foster parents wanting to take in a very young child are not entitled to parental leave to look after their child), children with behavioral disorders or children with specific physical or mental disabilities. Shortage of foster homes in big cities also poses a problem. Out of 198 foster families in the city of Zagreb, almost 80% of the total out-of-home care population are children in kinship foster care, which prompted the Foster Care Team to Zagreb Social Welfare Centre to launch a campaign to find more foster parents.

Over the course of 2013 the Office of Children's Ombudsperson has received 8 complaints related to issues with foster care placements, affecting the total of 21 children. In most cases birth and foster parents contacted us by phone or visited our offices, making complaints about inadequate care of foster children and seeking advice or information on the process of returning children in temporary out-of-home care to their birth families or procedures to request that the child be moved to a new foster home; in such cases we advised our clients to contact social welfare centers or the ministry having jurisdiction in such matters. Most of the complaints filed by birth and foster parents were related to misconduct and unsatisfactory performance of relevant social welfare centers that failed to provide adequate expert advice and support to foster carers and children in foster care - as these were children with different types of disabilities or disorders who required specialized care and support services; foster parents alleged that they were not properly informed of these responsibilities during the fostering process.

Complaints were also made about the obstacles facing children in exercising their right to express their wish

to be returned to their birth families; difficulties in exercising their right to consistent visitation with their biological parents; noncooperative parents - children and foster parents were often annoyed or harassed by birth parents; but also about foster parents who prevented children from maintaining contact with their birth parents or, by acting inappropriately, disrupted parent-child relationship. Foster parents have also informed us that the caseworkers (employees of social welfare centers) failed to check regularly on children in foster care (sometimes the visits were several years apart) and that there has been no effective collaboration between child welfare, health care and education professionals, who are inevitably involved in the lives of children in foster care.

As of December 31, 2013, there were 1067 children and youth placed in children's residential facilities: 538 girls/young women and 529 boys/young men. Most of the children (321) were between the ages of 15-18; 272 children were between the ages of 11-14; and 231 were under the age of seven.

2.1.6 THE RIGHT TO PROTECTION AGAINST VIOLENCE

Over the course of 2013, the Office of Children's Ombudsperson has received 273 complaints related to abusive and neglectful behavior towards children, but also to violent incidents witnessed by children, which is a 7% decrease compared to 295 complaints last year. Among these, 218 complaints involved acts of violence against children (affecting a total of 427 children), while 55 were related to incidents of child neglect (affecting 98 children).

Complaints involving violence and neglect 2005-2013

| Child Abuse/Neglect Complaints | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|--------------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Domestic Violence | 87 | 44 | 127 | 139 | 82 | 75 | 85 | 108 | 85 |
| Violence in Educational Institutions | 44 | 42 | 53 | 89 | 51 | 83 | 60 | 68 | 76 |
| Violence in Other Institutions | 10 | 7 | 12 | 12 | 7 | 9 | 11 | 5 | 9 |
| Other Forms of Violence | 23 | 27 | 43 | 57 | 69 | 49 | 59 | 51 | 48 |
| Incidents of Neglect | | | | | 50 | 66 | 58 | 63 | 55 |
| TOTAL | 164 | 120 | 235 | 297 | 259 | 282 | 273 | 295 | 273 |

Out of 218 complaints involving violence against children, 85 were related to domestic violence, affecting the total of 142 children; 76 were related to incidents of violence in educational institutions, affecting the total of 158 children; and 9 were related to violence in other institutions, affecting the total of 13 children. The remaining 48 complaints were related to other kinds of violence that took place in various public and private settings, including bullying via the Internet; the total number of children affected by cyberbullying was 114.

2.1.6.1 Domestic Violence and Child Neglect

Compared to the same period last year, the number of complaints of domestic violence and neglect has decreased.

Statistics show a significant increase in number of phone inquiries that we receive each day related to the ways to protect children from domestic violence; the callers complained over (mis)conduct of child welfare social workers and police officers, feeling they were being biased towards one parent over the other; slow pace of work; and a lack of awareness and sensitivity that has impacted their job performance. Complainants most often sought information about the complaints procedure and the steps they can take to protect the child from the trauma of testifying in court.

Most of the complaints were related to family violence, including many different forms of physical and emotional abuse - where children are victims of, but even more often witnesses to interparental violence. We have received four complaints about the use of **corporal punishment**, affecting five children.

In this report, too, we need to point out that there is still an apparent lack of competent institutions to ensure that children and young people - victims of violence - receive the care and assistance they need in a timely manner. Understanding and addressing children exposed to violence requires a multi-disciplinary approach; child victims of violence need continuous therapeutic treatment as the forensic interviewing and evaluation of suspected child abuse victims take too long and the treatment may be delayed by months.

Child Neglect - Over the course of 2013 we have investigated 55 cases of child neglect occurring in the family, affecting 94 children. Most of the complaints were filed by anonymous complainants or employees of child caring and educational institutions (schools, kindergartens and student dormitories), health care professionals, fathers and mothers. One of the complaints was filed by a child, while in two other cases the Ombudsperson has launched investigations of her own accord.

Children Caught Out Past Nighttime Curfew - The problem of children under 16 who stay out overnight without parent/guardian permission is still very much present and children are caught roaming the streets at night, hanging out at parks, coffee shops and clubs. According to the data provided by the Ministry of the Interior for the entire Croatia, the police has intervened in 2488 cases, which is a 9.1% decrease compared to 2012. In most cases a parent or a guardian knowingly, or through negligent supervision, permitted a juvenile to be out after curfew: in 1348 cases children had their parents' permission to be out at night; in 1050 cases children disobeyed their parents' rules; in 27 cases children were left to themselves; and in 63 cases such behavior occurred for various reasons. As much as 260 children caught out past nighttime curfew were ages 14 and under. It is reassuring to see that the incidence rates are gradually decreasing and that the institutions having "jurisdiction" over the matter are starting to recognize the problem of children staying out past their curfew as a problem that the whole society has to deal with. Police has launched prevention campaigns that seek to prevent and reduce the use of drugs and alcohol among children and youth and to prevent or minimize the risk of children going out alone late at night of being exposed to acts of violence by acquaintances or strangers, but also to prevent children from becoming delinquents themselves.

2.1.6.2 Violence in Educational Institutions

Over the course of 2013, the Office has handled 76 cases of single incidents involving violation of children's right to be protected from all forms of physical and mental abuse in educational institutions. Out of the total number of complaints received, 50 were related to **peer violence among children**: 47 to violence in schools and 3 to violence in kindergarten classrooms. The complaints related to violations of children's right to be protected from different forms of violence in educational institutions were filed mostly by parents and, to a lesser extent, by staff in educational institutions. 26 complaints were related to **violence committed by adults against children**, primarily verbal and physical abuse of students by a teacher, but we also received complaints related to sexual violence and harassment of students by employees of educational institutions. Many of the complaints involving children with disabilities and behavioral disorders were related to aggressive behavior directed toward staff of educational institutions; such incidents create a feeling of helplessness and frustration in educational workers.

There is no systematic approach to solving the problem of school violence, as the most common behavior problem in educational institutions, which suggests the need for **violence prevention and professional assistance programs**. Behavior problems in children are rarely spotted early on (and treated); the risk factors children are being exposed to (present in their lives) are often being ignored and there is a lack of early intervention programs for families and children. Schools fail to introduce necessary measures - within the scope of their powers - in a timely manner or such measures are not carried out continuously, which leads to further behavior problems and violence. We have also observed a lack of effective evaluated prevention programs, insufficient coordination between competent authorities (i.e. insufficient collaboration between agencies involved), lack of continuing care and treatment not only of victims, but also of perpetrators and witnesses to violence; there is also a lack of regular communication with particular parents of children involved.

The school and other authorities still do not recognize or sufficiently utilize **children and young people's potential as equal partners** and actors in the fight to end violence, even though peer involvement in prevention efforts and peer-led interventions have been found highly effective. Therefore, we need to support continued children's involvement in all activities as equal partners in the fight to end violence.

2.1.6.3 Violence in Noneducational Institutions and Other Forms of Violence

According to statistics for 2013 provided by the Ministry of the Interior, 706 children have suffered physical injuries as a result of a criminal act; among these, 89 children sustained serious bodily injuries.

Forty-five incidents were reported to have involved violence against children in **out-of-family and out-of-school settings** (not including complaints related to bullying that has taken place over the Internet). We have gained indirect knowledge of violent incidents through complaints related to violation of other rights of children. We have also received complaints relating to violence committed by law enforcement officers; violence occurring in residential child care facilities operated by the Department of Social Services; different institutions within the justice system (pretrial detention facilities and juvenile detention centers); on school grounds; in the streets; in a stadium; at a sporting club; on parish church premises; and in the neighborhood. There have been complaints related to peer-to-peer violence, but also of violence committed by adults against children, mostly neighbors. Although some of the allegations proved to be unfounded, the data submitted indicate high frequency and broad range of violations of children's right to be protected from all forms of violence.

We have received 7 complaints of physical and verbal abuse of children in **out-of-home care settings, such as child caring or residential treatment institutions**: children's homes, residential treatment centers, a juvenile detention center and a foster home. Four complaints of alleged physical abuse of children in institutional care by staff members and of inappropriate forms of punishment by foster parents, have proved to be unfounded. 36 complaints were related to violence occurring in many **different out-of-home settings**, and there were complaints of violence against children with developmental disabilities committed by staff members of a non-profit organization and an institution operated by Children's Services. There were also complaints regarding bodily harm inflicted on children by another child's mother following a brawl that lower elementary students got into. We have also been contacted by parents of children whose non-custodial parent is incarcerated and who are targeted repeatedly with threats and under constant pressure from persons who were the incarcerated spouse's accomplices to a crime. Most of the complaints were related to neighbors acting aggressive toward children, resulting from long-running disagreement or dispute and disrupted relationships between adults; several complaints proved to be false. One of the complaints was related to violence in an adolescent dating relationship. It is largely through conversations with children, particularly interactions with our Young Advisors Network (YAN), that we came to know that the grim figures of teen dating violence are actually considerably higher.

2.1.6.4 Bullying by Mobile Phones and via the Internet

Over the course of 2013 we have handled 12 individual complaints of violations of children's right to protection from bullying by mobile phones or via the Internet; out of 12 complaints, 8 were related to online bullying and 4 to mobile phone bullying. Eight complaints regarded bullying among children and young people, while the remaining 4 complaints regarded bullying of children by adults. Most complaints involved insulting and slanderous messages and messages intended to ridicule or humiliate another child posted on a *Facebook* page and the formation of the so-called *hate groups*, targeting children based on identity; these mostly involved peer-to-peer bullying and harassment. All of this suggests that the society needs to take a more active role in monitoring the incidence of the problem, the implementation of the preventative action plan and measures to protect children from bullying or abuse over the Internet.

2.2 The Rights of Children as Members of Society

This area includes the children's right to participate in decision-making, provided they are able to form their own opinion on the subject (enabling children's participation in decision-making about family law related issues, in decision-making at school, sports clubs, in different settings where the extracurricular activities take place and other settings); the right of access to information; the right to freedom of thought, conscience and religion or belief; the right to free association and to peaceful assembly; and the right to protection from potentially harmful information. Even though no more than 11 complaints were related to violation of the rights of children as members of society, it does not mean that the rights of children are gen-

erally recognized in our society. Low number of complaints more likely reflects the fact that children and youth are more seriously affected by this right violation than adults, as they are the ones who usually contact our Office. At the same time, from face-to-face interactions with children we have learned that - due to a discouraging attitude of adults - they usually see it not as an actual right but merely lip service. A special problem is raised by a lack of understanding of and unfamiliarity with the children's right to participate in protective proceedings under the Family Law Act; we have encountered the same problem in interaction with experts. Therefore, it is important that all professionals working with children and working together for the sake of the children and making decisions about some aspects of children's lives, are well acquainted with this right of the child, pursuant to recommendations outlined in the *General Comment No. 12 (2009) by the UN Committee on the Rights of the Child: The Right of the Child to be Heard*.

2.3 Educational Rights

In 2013 we received 262 complaints related to single instances of violations of children's right to education - affecting the total of 423 children - which accounts for 18.3% of the total number of complaints received. Complaints about violations of children's right to education are the third most common complaints and their share of the total number of complaints has increased by 5.3% compared to previous year. The majority of complaints regarded violations of rights of children in elementary (150) and high-school (60) education, followed by complaints relating to preschool education (52). Complaints related to violations of rights of children with developmental disabilities (89) accounted for 34% of the total number of education-related complaints.

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.

Most of the complaints related to early childhood education were made over the inaccessibility of preschool education, shortage of kindergarten places, lack of access to adequate early childhood education programs and disparities in preschool quality. Among the problems commonly encountered in elementary education were the inability to transfer children from one elementary school to another; schools not offering after-school extended day programs or transportation for students or the school transport routes and schedules were not adapted to accommodate the needs of students. One of the major issues in secondary education was the way the Decision on the Elements and Criteria Considered when Selecting High School Applicants for Admission was adopted, its content and implementation as well as difficulties encountered in arranging and funding student transportation. Among the subject areas of inquiries and complaints received were the procedure for requesting a change of preschool, elementary or high school teacher; the class size and classroom organization and management; school meals; reductions in the number of classrooms and new classes forming all the time; changes to scheduling and operation of the school; inadequate teaching conditions and outdated school facilities and equipment; poorly maintained toilets and missing supplies; poorly designed and inadequately maintained school playgrounds and schoolyards; road risks around schools and other children's health and safety issues.

Many of complaints regarded understaffed schools, incompetence of teachers and non-educational staff and their unlawful or unprofessional conduct towards students. Parents and children are ill-acquainted with the legal procedures and different methods for protecting students' rights in the process of grading and imposition of disciplinary measures, that not even the elementary and high school teachers are familiar with, leaving parents uninformed about the options available to them and causing them to miss deadlines to initiate child protection action.

Yet another problem is raised by a lack of awareness of the necessity of and insufficient familiarity with the methods of employment background checks for contract or full-time employees that might show any discrepancies considered as an obstacle against employment in a position which would bring them in direct contact with children. Complaints relating to educational programs and curriculum contents regarded chiefly schools' failure to organize and deliver remedial and advanced courses; the way in which field trips or excursions are arranged and conducted; product advertising and sales in schools; the educational rights of gifted children; students enrolled in ill-conceived theoretical and hands-on training programs or voca-

tional education programs being overburdened by the demands of an intense schedule and excessive workload. Controversy continued around the way school health policies are enacted or adopted and the health education curriculum content in schools.

Disagreements and miscommunication between parents and employees of educational institutions are some of the problems commonly co-occurring with the major challenges faced by children; they are often the main cause for a complaint. This suggests a need for professional development training and continuing competency building programs for education workers that would allow them to establish and maintain appropriate professional relationships with parents and bring the skills of peaceful conflict resolution.

Compared to a previous year, our records show an increase in complaints involving single incidents of educational violations of **the rights of children with developmental disabilities (DD)**, mostly in elementary education. School authorities have faced many barriers to implementation of inclusive education practices and policies. Children with DDs are denied enrollment in preschool programs or the amount of time they are allowed in kindergarten has been cut back. When it comes to elementary education, there is no subordinate legislation that sets out terms and conditions of employment for special needs teaching assistants governing areas such as the nature and scope of the employment. The teaching strategies and content are not adapted to accommodate special needs students. Protests and boycott organized by parents of non-disabled children who attended the same classes as children with DDs, are among increasingly common reasons for contacting our Office.

(15)

Monitoring
and
Documenting
Single
Incidents
of Children's
Rights
Violations

2.4 Health Care Rights

We have handled 107 individual complaints related to violations of a children's right to health care - affecting 128 children - and taken part in several general initiatives (aimed at promoting health care rights). Most of the complaints (59) were filed by different institutions. In most cases these were actually reports by public health inspectors within the Ministry of Health based on a routine assessment of the childhood immunization program, in which they explained how they handled parental resistance to children's vaccination prescribed pursuant to the *Mandatory Vaccination Schedule for Preschool and School-age Children*. We have been contacted by parents who expressed their dissatisfaction with a scope and quality of the health care services and health information received by healthcare providers; some of the parents have even expressed a lack of confidence in knowledge, skills and competence of health care staff or questioned whether a given medical procedure was necessary and justified. Some of the complaints regarded short-ages in certain types of medical specialists (pediatricians, orthodontists and child psychiatrists). We have been contacted by parents whose child was denied the right to receive medical treatment abroad and have the medical expenses reimbursed by the Croatian Health Insurance Institute (CHII). There were also complaints related to violation of the child's right to healthy school lunches. We have been monitoring the implementation of training programs for health care professionals in domestic violence and mandatory reporting obligations, but also explored the issue of use of unconventional methods to treat children.

2.5 Social and Economic Rights

Issues related to realization of children's social and economic rights formed the basis of 145 complaints, out of which 55 were related to social rights and 90 to children's economic rights. Complaints involved the total of 252 children.

Number of complaints related to violations of children's social and economic rights over the period 2011 to 2013

| | 2011 | 2012 | 2013 |
|-----------------|------------|------------|------------|
| Social Rights | 43 | 42 | 55 |
| Economic Rights | 79 | 93 | 90 |
| TOTAL | 122 | 135 | 145 |

Difficult economic conditions and financial crisis are manifested not only in cases shown here, but also in cases given in the section of the Report on the children's right to be supported by parents and to protection from abuse and neglect. In other words, lack of financial resources and parents preoccupied with providing basic necessities often affect the overall quality of family life and relationships, but also the child's upbringing and his/her behavior.

2.5.1 SOCIAL RIGHTS

Most of the complaints in the area of social rights (55) were related to violations of social welfare rights, the right to child care benefits, disability living allowance (personal independence payment) or survivor benefits, and maternity and parental benefits. Complaints involved the total of 70 children.

2.5.2. ECONOMIC RIGHTS

In the category of violations involving economic rights, the majority of complaints (90) were related to violations of the right to adequate standard of living (39), followed by complaints related to the protection of children's property rights (26) and complaints involving economic exploitation, hazardous labour and inappropriate ad campaigns (25). Complaints involved 182 children.

2.5.2.1 *The Right to an Adequate Standard of Living*

Number of complaints related to the events or circumstances threatening children's right to adequate standard of living (39) was lower in 2013 than in 2012 (52). A decrease in the number of complaints does not necessarily mean that the situation has improved; it should be taken into account that economic crisis is also affecting children and their rights in a number of different areas. Complaints related to wage garnishments and property seizures, evictions, the inability of parents to provide for the child's basic needs which (families facing housing hazards and unsafe living conditions) and failure to collect child support.

2.5.2.2 *The Right to be Protected from Economic Exploitation and Hazardous Work*

In the area of protection of children from economic exploitation and hazardous work, we have received 14 individual complaints, among which 5 were related to violation of students' rights in professional work experience programs, 6 to illegal employment of children (children are employed under conditions that are considered illegal, hazardous, or extremely exploitative), two to children's participation in cultural and arts-related activities and one to children's sport participation.

Violation of rights of students participating in practical training or professional work experience programs - Here are some of the problems particularly acute in this area: students enrolled in the work experience programs or apprenticeship programs not being compensated; lack of appropriate sanctions against employers who violate the rights of students; students overburdened by workload and ineffective and poorly planned theoretical and practical training programs.

Illegal child labour & Illegal employment of children as full-time or contract employees - Among the violations of rights of minors who work for pay prevail those relating to: minors denied rest breaks throughout the day and time off from work during the weekend; employers refusing to pay the minor employees at the overtime rate or extra pay for working night shifts; minor employees not being given a written statement of employment in cases where a contract of employment agreed between the employer and the employee was a verbal one; the unreported employment - the employers failing to report employment to the state before the expiration of the period originally prescribed and thus avoiding paying employee benefits (pension contribution to a registered pension scheme and health insurance); and employing minors who have not undergone a mandatory pre-employment physical examination. Among the violations of laws regulating the employment of minors and protecting them from workplace exploitation were those relating to: being assigned to a job with a high degree of autonomy and performing work that was found and declared to be particularly hazardous for minors or detrimental to their health or well-being; failure to provide personal protective equipment to a minor involved in an apprenticeship program; and employers' failure to meet their obligations by keeping certain records concerning employees for the set period of time.

Children's involvement in arts-related activities, activities utilizing audio-visual media and marketing activities - The existing laws do not provide detailed guidance on requirements for effective and ethical children's participation in cultural, arts, promotional and similar activities for which they will receive monetary compensation, and there are no rules governing cases in which no compensation is warranted or needed and no obligations in respect of supervision of children participating in such activities are specified. Over the course of 2013 labour inspectors responsible for the inspection and supervision of the working conditions and ensuring compliance with all labour legislation have received 134 requests (80 less than in 2012) from legal guardians of minors under age 15 for permission for them to participate in different types of performing arts (and be paid for their efforts) as well as the making of video clips, TV commercials, TV shows and other materials featuring children. The ministers having authority over the matter need to get involved in the legislative process and ensure that the new Family Law Act and the new Labour Act set out detailed rules governing children's involvement in artistic and cultural activities in compliance with the Convention on the Rights of the Child and the Convention on the Minimum Age for Admission to Employment, that would clearly demarcate the scope of authority of each department responsible for the implementation of the afore-mentioned rules; they should also ensure that appropriate regulations are in place providing for administrative non-compliance penalties or infringement offenses for violations of children's rights in this area.

Child beggars constitute a particularly vulnerable group; the complex problem of forced child begging requires a broad-based effort by the entire community aimed at protecting children earning a living off the streets. In September 2013 an information leaflet entitled "Protect Child Beggars - They Need Our Help" was issued by the Office of Children's Ombudsperson aiming to raise public awareness of harmful impact of child begging on the child's physical, educational, emotional, health and psychological development; the leaflet was sent to all larger shopping malls in Zagreb, the Croatian Chamber of Commerce, police and others.

2.5.2.3 Protection of Children's Property Rights

We have received 26 inquiries and complaints related to protection of the property rights of a child. Among these, the complaints relating to misappropriation or mismanagement of child's assets by parents (15); parent's duty to keep accurate records of the assets and transactions and account for of all the dealings with the minor's property (5); and asset accountability measures (deposit of cash and other assets of the parent's estate) to safeguard against any misappropriation or mismanagement of the minor's property (6) were the most common.

2.5.2.4 Inappropriate Advertising

We have dealt with the issue of protecting children from inappropriate ads which was the subject matter of 11 complaints, launched 11 general initiatives to tackle this issue and received several inquiries and notifications relating to ads from the election campaigns; advertising in educational institutions; inappropriate content in television and radio commercials, print media, posters and ads; and exploitation of children in commercial advertising and marketing.

2.6 Cultural Rights - Leisure Time

Over the course of the past year we have dealt with issues of cultural rights of children through 26 complaints of violations of children's cultural rights, a few general initiatives and inspection tours of educational institutions and a number of different settings where children spend their time. The majority of complaints were in the area of sports, tourism and travel-related services and religious education classes. Several complaints drew attention to some major discrepancies in organization and managements of sports' state tournaments; a clothing brand exploiting a child; and a school trip to a theatre where some content in the show was not suitable for children etc.

2.7 Protection of Children's Rights in Judicial Proceedings

Over the course of 2013 we have received 81 complaints related to violations of children's rights in the judicial process; these affected 113 children in total. Most of the complaints were related to violation of the

child's right to protection from sexual exploitation and abuse (36) and the child's right to preserve his/her dignity in formal procedures conducted by the authorities (23). The remaining complaints were related to violation of children's right to trial within a reasonable time (7); violation of minimum guarantees in cases where a child is suspected, accused or charged with a crime or found guilty (3), violation of child victims' rights (4), the protection of child witnesses (3), the right to be protected from abduction, sale or trafficking (2), the right to protection from exploitation (1) and violation of other rights of children involved in a judicial process (2). Some complaints were related to inappropriate conduct by law enforcement officers and court officials toward children.

2.7.1 PROTECTION OF CHILDREN APPEARING AS WITNESSES OR INJURED PARTIES IN JUDICIAL PROCEEDINGS

There is no uniform, comprehensive and enforceable system of protective measures for child victims and witnesses; as a result, the laws are not uniformly implemented in practice. The practice reveals repeated interviews with children using inappropriate interviewing techniques, as the legislation limiting the number of interviews with child victims or witnesses applies only with respect to judicial proceedings, while there are no such limitations in pre-trial procedures in criminal cases. Insufficient number of professional services providers and lapses in coordination between professionals from various departments and agencies (law enforcement, judicial authorities, social services) whose responsibility is to provide protective services to child victims and witnesses, provides yet another cause for concern. Not all victims and witnesses have equal access to professional support as only eight courts have support services departments, and it is up to judge to determine whether a child is eligible for help from the Victim/Witness Assistance Unit. The activities of all programs providing victim and/or witness services are limited to provision of psychological support to children prior to a trial and victim-witness specialists are therefore unable to assist children and their families with a comprehensive and full set of help and support services, as required by the international standards. Another cause for concern is the outdated audio-visual equipment used to record interviews of children. In police investigations there are no set time limits on the duration of interviews with children or their attendance at a police station. Many children giving testimony go into court totally unprepared (the court preparation usually includes: getting acquainted with the interviewer, trial procedure, courtroom settings and interview techniques); children intimidated by a court are often not provided psychological support that could help alleviate common fears of courtrooms; they are also not given explanations of what is expected of him/her and when he/she is not required to testify. Court facilities where a child is interviewed are not designed to make children feel comfortable and thus may not reduce, at least to some extent, the stress in children caused by court appearance.

2.7.1.1 The Right to Protection from Sexual Exploitation and Abuse

Lengthy court proceedings, multiple interrogations of children suspected of sexual abuse, repeated interviews of a child conducted by different interviewers and in different interview settings, ill-organized system of support for child victims and witnesses and shortage of professionals and lack of institutions providing therapeutic support and treatment to sexually abused children, are still the main problem in this area. Prevention programs are poorly managed and implemented inconsistently and are only available for a small number of children. Media's often sensationalist reporting of child sexual abuse cases threatens the child's right to protection of privacy and exposes child to further trauma. There is no post-prison supervision or monitoring of sex offenders validly convicted of abusing children nor have we developed effective child sexual abuse prevention programs.

2.7.2 Protection of Rights of Juvenile Felony and Misdemeanor Offenders

Even though the handling of juvenile felony offenders is governed by a number of acts and regulations, the practice reveals that they routinely have their rights violated: from poor communication between police officers and juveniles, unreasonable length of criminal proceedings and duration of pre-trial detention to lack of separate centers of detention for juvenile offenders. According to the Youth Court Act, the judicial and law enforcement authorities are required to ensure the speedy and efficient conduct of the pre-trial, trial and post-trial procedures, but we are still faced with lengthy criminal trials; the situation can seem even more disconcerting when a juvenile offender is placed in a pre-trial detention center where some are held

in detention for over a year. The corrective measure of referral of juvenile offenders to a pre-trial detention facility is not executed in accordance with international standards. Even though juvenile offenders are confined separately from adults, they do not have access to treatment programs led by trained professionals or multilayered, integrated psychosocial support; they also have restricted access to education, training and employment. Separate juvenile justice institutions where juveniles could serve their sentence of detention have not yet been established. Only a few youth courts and Juvenile Divisions of the District Attorney's Offices employ properly trained professionals - non-legal consultants (social pedagogues, social workers and psychologists), while no misdemeanor courts employ qualified professionals to provide counseling and support for juvenile offenders, which leads to a considerable lowering in child protection standards. In spite of numerous expert-recommended warnings, juveniles referred to a detention facility for juvenile male offenders are held in detention for years in highly inappropriate conditions; such corrective programs have proved ineffective and have high rates of criminal recidivism.

2.8 Safety, Accidents and Hazardous Environment

When it comes to protecting the safety and wellbeing of children and young people, in 2013 we received 25 individual complaints of children's rights' violations, affecting 81 children. We have been contacted by parents or children themselves seeking protection from traffic-related hazards or pointing to safety hazards in playgrounds and playrooms; pointing to 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 single cases of rights violations, we have also handled complaints relating to infringement of the collective rights involving large groups of children. All this has provided us with several good reasons to propose general initiatives and issue recommendations to improve child protection arrangements.

2.9 Discrimination

Over the course of 2013 we handled 25 cases falling under the Anti-Discrimination Act, nine more than in 2012. Apart from these, there were 12 cases carried forward to 2013 from the previous year for further assessment and monitoring. In all cases the complaints were filed by adults on behalf of children. Seven complaints were filed by mothers, five by fathers, another five by both parents together and one by a non-profit organization, a child's coach and a reporter each; in two cases the Children's Ombudsperson launched an investigation of her own accord, prompted by information received from an ombudsman in a different field, and three complaints were filed anonymously. In 6 cases the complaints were made over discriminatory behavior towards girls, in 9 cases towards boys, and in 10 towards groups of children. 22 complaints were related to discrimination in educational settings and 3 were related to discrimination in social care settings. As far as the persons or entities against whom the complaints were filed are concerned, 2 complaints were filed against persons, another 2 against organizations, 19 against public power entities, 1 against a government agency and 1 against local and regional governing bodies.

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 - officially formed in 2010 - consisting of children and young people aged 12-18, elected for one term that runs for a fixed period of two years. They are elected by children - members who served previous term; the Children's Ombudsperson and adult advisors participate in the electoral process. The Second Generation of Young Advisors Network began serving their elected term in September 2012.

They act as associates and advisors to the Children's Ombudsperson, but also as her *ambassadors*, as they communicate information about our work to their peers and take steps to ensure that children know their rights and the ways to protect them. Acting within the scope of their role as advisors, they provide real information about their views of the place of children in society, problems faced by children in the communities where they live and suggest ways to solve problems. In carrying out their advisory role they work closely with the Children's Ombudsperson and her adult advisors and exchange views and opinions via closed online forums. Each candidate nominates himself/herself for YAN membership; a tender notice ad is published in one or more public media every two years. 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, and in no way represents students at his/her school or people in his/her town.

Among the most important activities performed by members of the YAN over the course of 2013, we must point out their involvement in the international peer-led survey of children's participation in decision-making and the performance evaluation of the Children's Ombudsperson as well as their participation in a discussion held in the Croatian Parliament. To mark the 10th anniversary of the Croatia's Children's Ombudsman's office - as an independent and autonomous regulatory body, the Children's Ombudsperson and the YAN organized a panel discussion entitled "Children's Rights in Croatia Today" held in the Croatian Parliament on September 19, 2013. Members of the YAN used the occasion to address problems faced by children today in the implementation of their rights. Other children who attended the discussion used the opportunity to call the attention of the members of Parliament and representatives of institutions to problems and needs of children.

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

A section of the Report dealing with proposals to develop an integrated system for protection of children's rights provides detailed information on certain issues that we have devoted much attention to over the last year and that we have learned about from different sources of information: notifications, complaints, information obtained through direct contact with children, reports submitted by relevant institutions, investigations into unrelated matters, news headlines etc. This prompted us to launch a number of general initiatives and to initiate multiple actions.

4.1 The Rights of Ethnic Minority Children

Most of the complaints received and initiatives launched by the Office were related to the realization of rights of ethnic minority children from Roma background, but we have also addressed the challenges faced by children of Serbian, Italian, Austrian and German ethnic background in exercising their right to education.

Besides the education-related issues - an area that stands out for the inordinate number of violations of rights of children of a Roma ethnic background - we have dealt with other important issues, such as determination of child status and the access to health care. Children from ethnic minority or Roma background still experience problems accessing education. Education policy should focus on setting and achieving short-term goals that may have a direct impact on and affect change in the lives of children of a Roma ethnic background, such as the introduction of a mandatory two-year pre-school program; the provision of extended-day programs; recruitment of teaching assistants of Roma origin; provision of Romani-language textbooks; and supporting Roma high-school students finding a job with an employer in order to gain practical training. Schools' reluctance to take action and report parents who do not make sure that their children attend school regularly and fulfill their responsibilities within learning environments is another frequently observed problem. Ever since the Act to Amend the Misdemeanor Act came into force, which empowers

government agencies to file misdemeanor charges against persons suspected of committing a misdemeanor offense, we have observed problems faced by the government agencies in arranging for an interpreter when interviewing suspects (parents) in the course of their investigation who have difficulty in speaking and understanding language used in the proceedings.

4.2 The Rights of Children with Behavioral Problems

The rights of children with behavioral disorders are violated in all areas of their lives. The vast majority of complaints were made in the area of elementary education; schools lack strategies on how to deal effectively with behavioral issues. Shortcomings in child protection laws may help worsen the existing behavioral problems in children or even lead to new ones. Situation is even more difficult for children who have co-occurring disorders - when behavior disorders co-occur with at least one additional mental health condition - and who have been placed into social care institutions. There is a lack of staff capacity and resources to meet the needs of children with such specific and multifaceted needs. The situation may get even more complicated with girls if it co-occurs with teen pregnancy and childbirth.

4.3 Children's Mental Health Care/Services

The mental health services that are available to children are quite unsatisfactory, especially for children living in areas outside major cities that often lack resources to provide a minimum level of mental health care services, as prevention, treatment and rehabilitation programs usually found within the scope of primary care practice are not widely available to their local community. Multidisciplinary and multidepartmental collaboration between professionals involved in the provision of integrated care and support to children have not proved effective enough. There is a lack of professional parent support services that would allow them to recognize early-onset mental health disorders in children, but also help them learn to deliver early intervention. An insufficient number of outpatient, inpatient and day patient programs, a shortage of qualified staff and lack of facilities account for the failure of mental health services to provide treatment to children who have already developed a mental health issue; serious concerns are raised over the insufficient number of child and adolescent psychiatrists. There are no clearly defined protocols for admission to inpatient mental health treatment programs for children with acute mental health problems; as a result, their right to adequate medical care is often violated. There is also no systematic and continuous activity monitoring in patients or rehabilitation programs following discharge from in-patient psychiatric care or a suicide attempt.

4.4 Protection of Children against Substance Abuse

Despite all the strategy documents and bans aiming to prevent and reduce different types of substance abuse among children and adolescents, we are faced with substance abuse issues and troublesome behaviors that is detrimental to their health, even more so when we take into account frequencies of alcohol consumption, tobacco and drug use among adolescents who engage in some drug experimentation.

In order to create a more effective approach to solving the problem of drinking, smoking, sports betting and gambling among children, one has to face the full extent of substance misuse and its long term effects on health and quality of life of children and young people who develop bad habits and/or addictions early in life. Apart from effective prevention programs targeted at children, young people and their parents, it is also important to set up child and family counseling centers that they could contact at the earliest sign of a problem. In addition, local communities should provide ways for youth to spend their free time engaging in meaningful and fun activities. Let us not forget that adult family members have the most significant impact on children's behavior; they are often setting a bad example for children and, by doing so, diminish the effects of ad campaigns warning people of the addiction risks. They give children a chance to get a taste of the real adult world and introduce them to alcohol, smoking and sports betting; and turn a blind eye to early signs that a child is developing an addiction. Among other things, children are exposed to aggressive beer advertising on television every day, which may lead to children's more favorable attitudes toward drinking and to stronger intentions to drink.

4.5 Health Education

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

2013 brought a continuation of the controversy over the way school health policies are enacted or adopted and the health education curriculum in schools which has caused some disgruntlement among a few organizations, several parents, clerical authorities and some teachers who expressed dissatisfaction with some parts of the curriculum or the entire curriculum. Our attitude towards the inclusion of health education in the school curriculum and its main components has remained unchanged since 2007; it is our core belief - deriving from the provisions of the Convention on the Rights of the Child - that all children have an unreserved right of access to knowledge and information relating to preservation of their health and no one, not even their parents can deny them this right. Croatia is obligated to comply with all of the provisions by recommendations from the UN Committee on the Rights of the Child incorporated into the National Action Plan on Children's Rights and Interests 2006-2012 and by the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which has been ratified by Croatia. In deliberations over this subject, we must make a reference to a recent ruling of the European Court of Human Rights. In September 2011 - in the case *Dojan and others v. Germany* - The European Court of Human Rights ruled that the government has the authority to provide compulsory education for children, including sex education lessons; lessons must be religiously neutral and as such do not infringe upon the right of parents to educate their children nor do they infringe on religious freedom of parents.

4.6 The Rights of Children of Incarcerated Parents

Most violated of the rights of children of incarcerated parents was the right to maintain contact with the parent. Legislation governing the type, frequency and duration of visitation with incarcerated parents is highly restrictive and penal institutions are often located far from the children's place of residence. Lack of understanding or limited financial resources of the other parent or a guardian often further reduce parent/child contact. Children visiting the correctional facility often face numerous barriers before and during the visits, such as lack of consideration and insensitivity of correctional staff members. Many children experience economic hardship or suffer from poverty as a result of the incarceration of a parent and the loss of parent's income. Such children are often scoffed at and socially stigmatized by peers at school and school employees lack sufficient awareness and understanding of their extreme vulnerability and are unable to appreciate the gravity of their life situation. The media reports on crime and the personal circumstances of the offender often affect children as reporters show little regard for the interests of his/her children.

4.7 Child-Friendly Justice System

With the aim to improve child protection standards within the scope of law enforcement investigations and judicial proceedings, the Office of Children's Ombudsperson has called attention of the authorities to the issues related to staffing, spatial configuration and organizational structure facing the justice system. We have urged the establishment of specialized family courts; licensing of attorneys appointed by a court to represent children; the setting up of specialized divisions for child protection matters within courts having jurisdiction over child protective proceedings. We have called for adequate staffing in social welfare centers and a continuous training of professionals involved in the family justice process. We have also pointed out the need for the establishment of the Child Victim/Witness Services Divisions offering support and assistance to child victims and witnesses at a local level, the re-design and refurbishment of courtrooms and adjacent areas to make them more child-friendly and the modification of requirements for children's participation in court proceedings.

Over the course of 2013 we have participated in professional education courses on the rights of children and international standards for child protection held in the facilities of the Police Academy and the Croatian Bar Association; we have urged authorities to set up educational workshops for judges, district attorneys and other professionals involved in the judicial process; the workshops began in 2014. In 2013 we organized several expert meetings in Zagreb, Rijeka, Osijek and Split where we presented two Books of Proceedings entitled "Protection of Rights and Interests of Children with Behavioral Problems" and

“Children in Judicial Proceedings: Implementation of the European Convention on the Exercise of Children’s Rights”.

We have also joined the EUROLAX project launched by The European Commission; this project explores children’s involvement in criminal, civil, misdemeanor and administrative proceedings; we have also helped write the 2013 Report on the Situation of Fundamental Rights in the European Union that is translated by The Fundamental Rights Agency of the European Union (FRA). We are members of the focus group concerned with the effective execution of the project entitled “*Making the EU Charter of Fundamental Rights a Living Instrument*”, carried out by the Office for Human and Ethnic Minority Rights to the Government of the Republic of Croatia. We have also participated in planning and execution of the regional conference “Justice for Children” held in July 2013 in Brussels, where ministers and representatives from Europe and Central Asia reviewed and discussed, among other things, the report entitled “Juvenile Justice in the CEE/CIS Region: Progress, Challenges, Obstacles and Opportunities”.

As a member of the organization called *Children of Prisoners Europe* (COPE, formerly known as EUROCHIPS), the Children’s Ombudsperson has repeatedly called attention to the importance that the child-friendly justice system holds for children, particularly the children of incarcerated parents.

Over the course of 2013 the Office of Children’s Ombudsperson has actively participated in the process of drafting amendments to the Criminal Code Act, the Criminal Procedure Act, the Youth Court Act and the Misdemeanor Act and made many proposals with reference to Council of Europe’s Guidelines on Child-Friendly Justice.

4.8 Protecting the Rights of Children Involved in Sports

Due to a number of legislative gaps and ambiguities, there are still no comprehensive and integrated services for the protection of children involved in sports. In March 2013, once again we tried to bring this issue to the attention of the Ministry of Science, Education and Sports and used the occasion to present our proposal for their consideration. Once again we recommended the initiation of a compulsory licensing program for coaches and youth sports program supervisors and coordinators, which would prevent anyone who is not trained to work with children as well as anyone who has previously exhibited inappropriate and/or unlawful behaviors, from being employed in any position that brings him/her into regular contact with children - sports club members. We have expressed our disagreement with regulations and bylaws passed by national sports governing bodies governing the terms of transfers to a new club; we have also proposed that provisions according to which the club can withhold the granting of a Clearance certificate to any member of a club who wishes to resign his/her membership and seek membership of another club, until such member has met all his/her “financial obligations” to the club - be repealed. We have also brought their attention to unsatisfactory provision of healthcare services to child athletes as the law does not require continuous health monitoring of child athletes, and made a proposal to introduce regulations for compulsory periodic physical examinations (the first examination of a child athlete should take place prior to participating in club activities).

Taking into account that the athletes are at risk for sports-related injuries, especially in full contact sports, we have recommended setting a minimum legal age for engaging in training programs and competitions and introducing a requirement for children and parents to be informed of potential adverse effects. One of the recommendations relates to the introduction of compulsory monitoring and recording of injuries sustained by children in sports or recreational activities, so as to enable long-term health care planning and to ensure that sports ground safety and suitability assessments are conducted on regular basis. We have once again highlighted the need for development of a protocol for the protection of children in sports and recreational settings, and the broadening of the applicability of the current *Protocol for Responding to Peer Violence Among Children* to sporting clubs. We have also drawn attention to the consequences of failure to enact implementing legislation on sports ground safety. Another issue surfaced in 2013: a protocol for child athletes suspected of having used a prohibited substance; we have also investigated complaints of alleged discrimination against children in sports.

4.9 Children and Politics

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

Last year was marked by intense political campaigns preceding the local elections - European parliament elections (people voted for their representatives in the European Parliament) and the referendum on definition of marriage in the Constitution. Children were indirectly involved in both of these recent political events; in some cases, children and young people got directly involved in local elections. We have received a number of complaints that protested against inviting children to perform during the opening ceremony for new sports centers; politicians featured prominently on the buses that transport students to school daily; current mayors doing photoshoots with children during election campaigns; and children being often featured in photos and other local election promotional materials. For this reason, on May 10, 2013, we posted a message on our site www.dijete.hr targeting the broad public and appealing to those responsible for organizing and running political conventions, political parties and candidates, urging them to stop exploiting children for election purposes. We have also reminded authorities that the efforts to recognize and meet children's needs and to create safe, stable, and nurturing environment in which children can grow and thrive, should by all means be incorporated in the election platform of candidates running for local government or self-government offices, but also that children have no place in promotional posters.

Parents are becoming increasingly alarmed at the mere hint of exploitation of children for political gain, and the media is now becoming increasingly aware and critical of such inappropriate conduct exhibited by politicians; the Children's Ombudsperson is often urged to publicly condemn such practice. Unfortunately, it seems our proposals were given little consideration: no code of conduct to govern the election campaigns and the polling period has been enacted setting out clear and unequivocal provisions that would protect children from child exploiting advertising.

4.10 The Media and Children's Rights Protection

Reporters often cover cases involving children and use the power of the media to bring public attention to the need to protect the rights of children, but at the same time the insensitive and sensationalist media's coverage infringes on children's rights. More than a hundred notifications, inquiries and complaints received by the Office of Children's Ombudsperson testify to the fact that the public is well aware of the role of the media in violation of children's rights, especially their right to privacy and to protection from exposure to potentially harmful content and that they are interested in learning more about legislative regulations, mechanisms and obligations in relation to child protection in this area. Taken together, the complaints suggest that the Children's Ombudsman is still seen as a media "regulator" - capable of keeping media at bay or at least as an "authority" that can and must bring media under control. We believe that this is a clear sign that we must give more power to regulatory and self-regulatory bodies in the media and publishing industry, which need to take a more agile approach and regularly report on their activities. The public is still not sufficiently familiar with the work of the Electronic Media Rating Council (EMRC), a self-regulatory body which, in compliance with the Electronic Media Act and the Rules for Protection of Underage Children from Inappropriate or Harmful Media Content, has the power and obligation to monitor and impose sanctions in response to children's rights violations.

We need to continue to strengthen legislation concerned with the protection of rights of children exposed to media coverage and to introduce laws that we are currently lacking in. Let us remind you that the *Rules on Limitations on Audio Visual Materials by Ratings* have still not been put in place; we also believe that the sale of video games for children should be regulated by government by introducing a compulsory ratings system for video games that require parental consent below a certain age, but also that we should encourage production of video games that stimulate child's development. Since children are from early age immersed in a media-saturated environment, it is the responsibility of adults to discuss media content with children to promote critical thinking when viewing, and help them develop skills in using a wide range of media competently and safely. We urge for the introduction of media education as a compulsory subject in schools, at all levels of education, which would ensure that every child has access to this valuable instruction, enabling them to develop skills and habits of media literacy.

4.11 Protecting Unaccompanied Migrant Children

For the past several years, the Office of Children's Ombudsperson has been dealing with issues relating to protecting the welfare of migrant children, especially unaccompanied foreign-born children. We have submitted several recommendations regarding migrant children to the Government of the Republic of Croatia for consideration; made proposals to amend legislation; developed and implemented professional training programs; published the "Unaccompanied Minors" brochure; we have joined and participated in the working group formed to draft the *Protocol for Handling Unaccompanied Alien Minors*, adopted by the Government in July 2013. Many of our proposals have been incorporated into the Protocol.

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Protection of this particularly vulnerable group of children was also the subject of the Annual ENOC (European Network of Ombudspersons for Children) Conference 2013, held in Brussels, from September 25-27, 2013, where we delivered a presentation on the current situation and issues related to the protection of unaccompanied minors arriving to Croatia. A joint *Statement on "Children on the move"* was adopted at the Conference; this statement reflects the views, opinions and positions shared by all European ombudsmen, urging all states to provide support to help protect migrant children.

In keeping with the conclusions reached at the Conference about the need for increased collaboration across borders to protect this group of children, the Ombudsperson for Children in the Republic of Croatia hosted the thematic CRONSEE (the Children's Rights Ombudspersons' Network in South and Eastern Europe) Conference entitled "Children on the Move" (held in Zagreb on November 5, 2013). Among the conference participants were the representatives of the *Save the Children International* alliance and non-governmental organizations from the region, the current UNHCR (The Office of the United Nations High Commissioner for Refugees) representative in the Republic of Croatia, the Ministry of the Interior officials, the representatives of the Ministry of Social Policy and Youth and of all other ombudsman services in the Republic of Croatia. Ombudsmen for children agreed that each state needs to develop a comprehensive and effective system for protecting children on the move that would, regardless of their migrant status, guarantee them protection and full exercise of their rights.

The Children's Ombudsperson presented Conclusions reached at the CRONSEE Conference and the ENOC Statement at the Regional Conference entitled "Children on the Move in South East Europe" organized by Save the Children International alliance (held in Belgrade on December 5, 2013).

Children's Ombudsperson's Advisors helped set up and run workshops for professionals employed by social service and law enforcement agencies, jointly organized by the UNHCR, the Center for New Initiatives and the Ministry of Social Policy and Youth, within the scope of the "Children on the Move" project.

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 2013, we have made a number of individual recommendations regarding the protection of individual children's rights or the circumstances of individual cases. In addition, we have issued 49 General Recommendations to relevant institutions aimed at improving the quality of protection of a large group of children in the Republic of Croatia. The complete list of recommendations can be found in the full version of report, divided into several categories according to their subject: legal protection of children in family-related cases, education, health care, juvenile justice system, child safety, protection of property interests, sports, protection of groups of children considered to be highly vulnerable, media and other areas of children's lives.

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

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The Office of Children's Ombudsperson engages in ongoing legislative activities primarily by making proposals and giving opinions on bill drafts; participating in the work of the Parliamentary committees and working groups formed to draft laws and by encouraging legislators to enact new laws or amend the existing ones. Over the course of 2013, we have participated in the process of enactment of the total of 39 regulations - 25 laws, 10 sets of rules and 4 protocols - by offering our opinions and making proposals through public debates requested by relevant authorities or by participating in the work of Parliamentary committees. As working group participants, we helped draft several laws: the Social Welfare Act; the Act to Ratify the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption; the Protocol for Handling Unaccompanied Alien Minors; the Child Victims of Abuse and Neglect Protocol; the Optional Protocol to the Convention on the Rights of the Child on a Complaints Procedure; and the Rules on the Compilation of Medical Documentation and the Process Used to Establish Presumptions, Prerequisites and Requirements for Sex Reassignment Surgery or a Legal Change of Gender Designation.

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 or private 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, over the course of 2013 the Children's Ombudsperson inspected - accompanied by her Deputies and advisors - 78 institutions and other sites: 8 social welfare institutions; a domestic violence shelter; an asylum seeker processing centre; 55 educational institutions (5 student dormitories, 2 special education centers; and a children's medical center school); 6 health care facilities; 2 playrooms and 5 juvenile correctional facilities. Details of our observations following the inspections of institutions; assessments of institutional performance; and recommendations for potential improvements are given in the full text of the Report.

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

Over the course of 2013, the Office of Children's Ombudsperson has organized 5 conferences; among these, we need to mention specifically a discussion held in the Croatian Parliament entitled "Children's Rights in Croatia Today" (held in Zagreb on November 19, 2013) - members of the Young Advisors Network to the Children's Ombudsperson - YAN actively participated in the setting up and running of a discussion; and the thematic CRONSEE (the Children's Rights Ombudspersons' Network in South and Eastern Europe) Conference entitled "Children on the Move" (held in Zagreb on November 5, 2013). Last year we released 3 professional publications (two of them in English) and a brochure designed to familiarize children with the work of YAN. We have given 65 invited presentations and short presentations as part of a larger discussion at numerous conferences held across the country. The Children's Ombudsperson and her team published a total of 16 papers of different types in conference proceedings, journals, magazines and other periodicals: from expert articles, critical analyses and reviews across a variety of different areas of children's rights protection to writ-

ten forewords and professional journal article summaries in Croatian as well as in English. We have established a successful collaboration with several institutions, Ombudsman offices, civil society organizations and others.

9 Meetings, Interviewing and Collaborating with Children

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A considerable part of the work of the Children's Ombudsperson and her associates consists of meeting, interviewing and collaborating with children. Interviews with children take place in a variety of settings. Through meetings and conversations with children we find out about their views, observations and ideas and hear their thoughts on the present state of affairs and suggestions for improvement in all areas they deem important. Most of the visits were made to schools where we interviewed children to gather information on possible children's rights violations; many of the interviews took place in settings of extracurricular activities and after-school structured activities for children and youth. In addition, we have done some serious work with members of the Young Advisors Network to the Office of Children's Ombudsperson in the office premises.

10 International Collaboration

A review of our international collaborative activities is given in the full text of the Report; they consist of collaboration with international organizations and collaborative networks; bilateral collaborative relationships with representatives of international organizations and institutions; and participation in international conferences, where we have given several presentations, chaired them or delivered introduction speech or the welcome address.

11 Activities of Regional Offices

We carry out our mission through four offices: the head office in Zagreb and three regional offices located in Split, Rijeka and Osijek. The Office is organized, staffed and operated 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. Procedures for handling 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. An overview of activities carried out by our offices is given in the Full Report; single instances of rights violations are classified according to the nature of the violation and the county in which the violation was committed.

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 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. Layout and design of our premises meet current regulations on adequate workspace. The Zagreb office employs ten people while the offices in Split, Rijeka and Osijek employ two each. 12 out of 16 staff members provide expert consultant services. 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. Four employees (high school graduates) provide administrative and technical support services.

The budget allocated to the Office of Children's Ombudsperson was 5.330.888 kunas; the budget execution rate was 97.17% (5.180.206 kunas). 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 the Ombudsperson program activities; this allowed us to increase the scope of designated activities and for the most part finish furnishing the "Little House of Children's Rights". The 2013 Annual Financial Report of the Children's Ombudsperson was completed before the cut-off date 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 The Ombudsperson for Children's Office Marks 10 Years of Service

Fall 2013 marked exactly 10 years since The Ombudsman for Children Act came into force and since the first Children's Ombudsman was appointed in Croatia as an independent, specialized body set up to promote, protect and monitor the implementation of children's rights and ensure the best interests of children. This section of the Report gives a brief review of accomplishments and present and future challenges facing this institution.

14 Conclusion

Just like the previous years, this year's report, too, looks at numerous aspects of child growth and development and areas of children's lives. Despite many improvements to children's rights protection, it is our duty to point to perceived drawbacks of the today's child protection system.

Current level of protection offered to children faced with a **parents' high conflict divorce or dissolution of a civil partnership** is still not sufficient. We are faced with a shortage of skilled professionals in this specific area of child protection work; the existing child protective service workers are already overburdened with excess workload and struggling with a lack of continuous professional development and support, although the complexity of the issues facing them certainly requires it. The process of decision making in child protection takes too long and the institutions responsible for the care or protection of children lack quick and efficient procedural mechanism that they can take against parents who willfully disobey court orders and continue to behave in aggressive or harmful ways toward children. We hope that the new Family Law Act will help improve the child protection system and provide for a sufficient number of qualified professionals and comprehensive and in-depth training programs to facilitate proper implementation of the law.

Complaints related to violations of children's right to receive **child support** from their parents indicate mul-

multiple problems and inconsistent implementation of regulations, but often also parent's confusion and insufficient familiarity with children's rights and the ways to protect them.

The number of children placed in institutions for children without adequate parental care has increased compared to the previous year. Despite efforts to promote **fostering**, not enough foster placements are being found for children, foster care system has been slow to develop, and there are no available specialized foster homes. Children under 7 years of age are still being placed in institutions and are likely to remain in institutional care for more than 6 months, in direct defiance of the Social Welfare Act. 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 and children eligible for **adoption** remain stuck in institutional care for years.

Sadly, children continue to be exposed to **violence**, neglect and physical punishment **in their homes**, but also **in institutional** and **other out-of-home settings**; in addition, there are not enough institutions that provide professional counseling services to child victims of violence, especially sex abuse.

Incidents of violence in educational institutions indicate lack of early intervention programs, delayed recognition of and response to the problem and inappropriate or uninformed responses to aggressive conflict resolution which may escalate into violence. All this points to the need for continuing training for education professionals on the implementation of a school-based violence prevention programs, including mediation programs, and for empowering education workers with the tools and support they need to deal with complex issues they are bound to face when working with students.

There are still no effective ways to **protect children from violence in all settings** of children's lives because the existing regulations governing different forms of aggressive behavior toward children that appear in different settings - for example, in the streets, at the stadium, harassment by neighbor or violence in adolescent dating relationships - are not clear enough. Children receive the institutional intervention after a considerable delay or the measures undertaken to reduce the use of violence are too mild, and failure to detect violence and lack of awareness of its harmful effects will only encourage perpetrators of violence against children to continue to act violently.

Bullying and other violations of children's rights that occur **on the internet or via a mobile phone** reveal the risks that children expose themselves to when using new technologies and the parents' confusion about how to protect their children online. All this suggests the need for a society as a whole to get more actively involved in monitoring children's Internet use to prevent violence; for efforts to prevent Internet-related child abuse and the establishment of Internet safety rules.

We take pleasure in seeing that efforts are being made to improve **protection of child victims and witnesses**, such as setting up of a toll-free hotline 116 006 for victims of violence and launch of the joint project "Interviewing Child Victims in the Course of Judicial Proceedings" carried out by the Ministry of Justice in collaboration with UNICEF; however, protection of child victims is still not satisfactory. A cause for considerable concern is the fact that various acts of misconduct by police officers, district attorneys and judges - who are conducting forensic interviews with suspected child victims or witnesses of abuse - occur all too frequently; children's exposure to repeated interviews; the length of court proceedings and a poor quality and accessibility of assistance and support services programs. A child victim/witness is afforded by law the option of being interviewed in his/her own home, but this option is rarely used; and only a few courts offer a Victim Witness Assistance Program.

Rights of **children with behavioral disorders** are often violated in all areas of their lives. Most of the complaints regard elementary education; schools do not have enough coping mechanisms to efficiently deal with this issue, which only reinforces children's sense of social rejection and isolation. Children most at risk are those who have behavioral disorders that co-occur with mental health issues, placed in social welfare institutions, and there are no resources available to make their complex issues manageable. Even though there is a significant body of legislation governing the handling of juvenile felony offenders, the practice reveals a series of violations of their rights, from communication issues between police officers and juveniles; lengthy criminal proceedings and unreasonable length of stays in pretrial detention centers; to lack

of separate centers of detention for juvenile offenders. Not all courts and Juvenile Divisions of District Attorney's Office employ non-legal professionals (social pedagogues, social workers and psychologists); and no such support services are offered by the misdemeanor courts thus considerably reducing level of protection. The corrective measure of a referral of juvenile offenders to a detention facility for juvenile male offenders is executed in highly inappropriate and oppressive conditions.

Children of incarcerated parents are especially stigmatized. They have little or no contact with a parent in prison; many children experience poor economic conditions due to the loss of the parent's income. Such children are often scoffed at by peers at school and school employees lack sufficient awareness and understanding of their extreme vulnerability.

We have observed that institutions are quite helpless when faced with more complex cases of **children's rights regarding status determination**, which often leads to further children's rights abuses.

In the field of **children's health care**, we still observe a shortage of health care professionals, especially pediatricians, orthodontists and child and adolescent psychiatrists. This is definitely a factor that needs to be taken into account when planning reorganization of the entire healthcare system so as to avoid reducing scope and quality of health care services available to children even further. Children and their parents need to be additionally familiarized with the ways to access healthcare services covered by their Health Care Insurance Plan. We welcome the efforts undertaken to improve children's eating habits and prevent childhood obesity; greater involvement by parents must and should be encouraged considering that, as parents, they play an important role in shaping their children's eating habits.

We observed lack of provision of and access to **mental healthcare services**, especially for children living outside greater capital city areas. There are no support services available to help parents detect early signs of mental health problems and mental disorders in children and no early intervention programs; there are insufficient resources to provide both inpatient and outpatient treatment for children who have already developed a mental health issue; there are no treatment protocol for children in acute mental health crisis; there is no continuous monitoring of child progress or intensive rehabilitation programs for children and adolescents after discharge from residential treatment facilities or a suicide attempt; all this suggests the need for interdepartmental collaboration.

Among the major problems facing our **education system** today is the lack of access to education, variation in staff size and competencies, unequal spatial configuration and education programs and curriculum contents. The apparent absence of appropriate legislation, well-defined and resolute measures to improve children's rights in education, as well as education workers' lack of competencies needed to deal with situations that threaten the safety or wellbeing of children, render the exercise of children's rights and timely and efficient child protection even more difficult. It is therefore necessary to continuously carry out professional training and development programs for teachers and other education personnel in the field of human and children's rights, and to make sure that they are well acquainted with the scope of activities, powers and obligations vested in other relevant entities so as to ensure timely and coordinated action to protect children. We also need to set up a certification program designed for teachers and principals as a means to enhance professional development, ensure periodic "working with children checks" and improve their performance. School should be a place where children may get all information related to preservation of their mental, sexual and physical health, children's and human rights and responsibilities.

Sadly enough, the debate over teaching **health education** in schools - which remains a controversial issue in this part of Europe and has acquired a political connotation - boiled down to debate over whether sex education should be taught in schools; people are wasting time, money and energy on confrontation of groups of people who hold opposing views, causing them to lose sight of the best interests of the children.

Children with developmental disabilities (DD) face a number of indirect obstacles in exercising their right to adequate education as the principles of inclusive education are still not being utilized in practice and it is therefore necessary to enact laws governing continuous support of developmentally disabled children. We need to introduce high quality inclusive educational practice consisting of activities purposely designed to promote the wellbeing of all children, which can not be reduced to provision of individual support pack-

ages to children with DD, but instead should aim to create a comprehensive and supportive learning environment - not only in particular institutions, but in the entire education system.

Complaints of **discrimination** indicate incidence of inappropriate, sometimes even violent behavior and discriminatory practice. All this suggests the need for prevention programs aiming to teach children tolerance and non-discrimination and help them embrace diversity, but also for setting up of training courses designed to familiarize parents and education workers with children's rights and teach them the ways to protect children against discrimination. Special consideration should be given to the improvement of the position of **ethnic minority children**. To prevent segregation of minority students from their majority peers, we need a comprehensive approach to integration based on joint coordinated action across sectors, taking into account community conditions and resources.

Global economic crisis has evidently impacted everyday lives of children. Parental job loss; poverty; arduous wage garnishment process; and seizure of accounts and assets have become part of children's everyday reality, threaten their **standard of living** and affect their ability to exercise their health care, educational, cultural and other rights. We expect the state institutions to show greater social sensitivity and bring in and implement measures and programs to help children in socially challenged families, and afford more effective methods to protect children's property rights.

Underinvestment in policies and programs that bolster recreational and **leisure-time activities** enjoyed by children and adolescents during after-school hours indicates lack of appreciation of the role of these rights in the lives of children. This is the reason why children still have limited access to after-school activities, especially in smaller communities, areas of special state concern and on the islands.

We believe that the work done by sports grounds safety authority inspectors will help reveal and prevent violations of rights of **children involved in sports**; however, a more comprehensive approach to protecting their rights will have to include a number of other actions, such as the introduction of professional coach certification programs, regulations governing transfers from one club to another and amendments to regulations that will ensure that children's health and safety rights are fully protected.

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 the State 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.

Current laws do not offer sufficient protection to children as **traffic participants and home-to-school transport users** which suggests the need for intensified efforts to increase the safety of children.

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

We need to enact legislation strengthening laws concerned with protection of children's rights in the **media**. Since children grow up immersed in media, it is the responsibility of adults to teach them to take a critical view of media content and help them develop skills in using a range of media competently and safely. Therefore we urge for the introduction of **media education** as a compulsory subject in schools, at all levels of education, to ensure that every child has access to this valuable instruction that will enable him/her to develop skills and habits of media literacy.

Adults' attitudes are often presented as serious barriers to children's participation; most children see their **right to participation** in decision making as a right that has so far existed only on paper. It is therefore important that all professionals working with children, working together for the sake of the children and making decisions about some areas of children's lives, are properly familiarized with this right of the child. At the same time, we need to empower children and young people to get involved in society as active citizens and give due weight to their views and opinions.

