



Republic of Croatia
Ombudsman for children

Report on the Work of the Ombudsman for Children for 2015

SUMMARY

Zagreb, March 2016

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Cover illustration:

I Know and I Respect Children's Rights, a group artwork by the students of the Split Arts Academy, grade 4, photographic designer (mentor Damir Žitko)

1 Introduction

The Ombudsman for Children Annual Report is submitted pursuant to Article 18 of the Law on the Ombudsman for Children. The Report sums up the work and activities of the Ombudsman for Children and provides an analytic overview of data on reported violations of children's rights in the previous year. However, as in the previous years, the Report combines a work report, which the Ombudsman for Children is required to compile pursuant to law, and a report on the status of children's rights in the Republic of Croatia, based on the perceptions, experience and interpretations of children, adults and various institutions.

The section of the Report dealing with the status of children's rights in the Republic of Croatia is based on a synthesis of data collected primarily from the complaints of violations of children's rights filed with the Office of the Ombudsman for Children as well as from other entities and direct insights from inspections and contacts with children and adults. The Ombudsperson for Children obtains information on the status and development of children's rights in the world, primarily in Europe, which is relevant for their monitoring in the Republic of Croatia, through active participation in international associations, including the European Network of Ombudspersons for Children (ENOC), the Children's Rights Ombudspersons' Network in South and Eastern Europe (CRONSEE), Eurochild and COPE networks as well as through cooperation with other human rights protection bodies, such as the UN Committee on the Rights of the Child, the Council of Europe, the European Commission and the European Parliament. The cooperation with the UNICEF Office for Croatia has also been a constant source of support.

The data are compiled and presented in a way that closely follows the methodology used in the previous years. The acronyms and abbreviations used are listed and explained at the end of the Report. For easier reading, the words and expressions in the text refer equally to both sexes.

A total of 2,144 individual violations of children's rights were processed in 2015, with this figure including the instances of violations from the previous years. There were 1,456 new complaints of violations of children's rights, which is a decrease from the previous year, and 688 complaints transferred from the previous years, as pending cases, were also processed. The complaints transferred reflect the specific work method of the Office, which monitors some cases over a long period of time, thus making conclusions on the condition and tendencies in the work of various actors in the child protection system. In some cases, children need to be protected over a long period of time, sometimes, unfortunately, over a number of years or until they come of age.

In addition, the Ombudsperson for Children conducted 1,092 general initiatives for the protection of children's rights and other activities.

The 2015 reporting period was marked by a series of events, some of which, deriving from events in some parts of Europe and the world, had an impact on the Republic of Croatia and necessitated child protection and Ombudsman for Children's actions. This refers to the protection of children on the move, and especially of unaccompanied children, during the period when the wave of refugees from Syria and other countries was heading to West and Northern Europe. Since 2013, as necessary due to conflicts in the Middle East and North Africa, the Office has been monitoring and promoting the rights of children on the move, in cooperation with the European Network of Ombudspersons for Children (ENOC). In 2015, even before the first wave of refugees arrived in Croatia, the Office had issued recommendations to the Government of the Republic of Croatia and the Ministry of the Interior regarding the protection of this vulnerable group of children and subsequently monitored their implementation, as well as the conditions in the Opatovac and Slavonski Brod transit centres, which the Office staff visited several times.

In an effort to continue and strengthen international cooperation, in this reporting period the Ombudsperson for Children acted as the coordinator of the Children's Rights Ombudspersons' Network in South and Eastern Europe (CRONSEE) and as the host of the CRONSEE Annual Conference and Thematic Meeting. The topic of the CRONSEE Annual Conference was The Rights of the Child – between the Interests of the Parents and the Obligations of the State, while the Thematic Meeting addressed the Third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure and the new possibilities for the protection of the rights of the child introduced by the Protocol. These activities were summed up in the publication Protecting the Best Interest of the Child.

In the context of continued strengthening of international cooperation, the Office has been finalising preparations for the international conference of the COPE, a network of organisations and institutions engaged in the protection of children of imprisoned parents, which is to be organised and hosted by the Office in Zagreb in May this year, and attended, among others, by the members of the UN Committee on the Rights of the Child and the representatives of the European Commission and the European Parliament.

The Ombudsperson for Children's favourite activities have been meeting and socialising with children throughout Croatia. The Office of the Ombudsman for Children proudly emphasises the continued activities of the Network of Young Advisors to the Ombudsman for Children – NYA. In this reporting period, in addition to the activities related to the promotion of children rights, the NYA was strengthening international cooperation through projects and meetings with their peers from all over Europe. NYA members participated in the project of young advisors to European ombudsmen for children: Let's Talk Young, Let's Talk About Violence!. An outcome of their participation in the project is the NYA Strategy against Peer Violence – Speak Out, Silence Hurts the Most. The content of the Strategy is presented in the chapter on NYA activities.

The previous year was marked by the parliamentary elections. As it is customary in the election period, the number of complaints over the alleged exploitation of children for political purposes increased. Complaints were lodged every time candidates appeared in public or had their photo taken with children, with citizens requiring that this be prevented and sanctioned. The Office of the Ombudsman for Children has constantly emphasised that the manipulation of children for political purposes is unacceptable and appealed to the public to take a critical stance against such practices. However, it should be noted that not every instance of politicians appearing in public or taking photos with children constitutes the manipulation of children or the violation of their rights, especially when persons representing public authorities, such as presidents, prime ministers or mayors, meet children outside political campaigns. Some of these meetings and photo opportunities are protocolar, most often organised with a view to familiarising children with the work of these authorities.

The Office has also noticed an increase in the number of complaints made over the use of children for the promotion of causes and goals, primarily by adults, during various protests. Such situations may often put children and their security at risk. Children have the right to express their views on all matters affecting them. However, a distinction should be made between this right and exploiting children for the promotion of the causes advocated by adults, which children, especially young ones, cannot understand. There has been an increase in the "commercialisation of children" by adults fighting for their partial, personal, financial or other interests, often under the guise of "fighting for children's rights", which are in fact not the issues at stake.

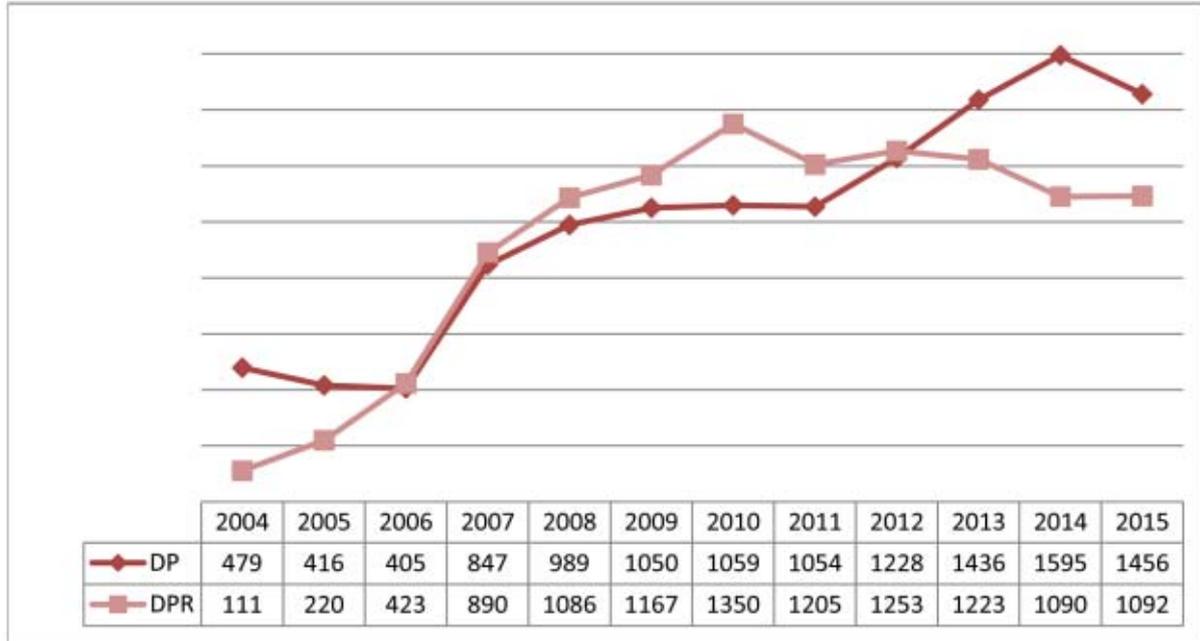
An important event in this reporting period was the strike of education workers organised at the beginning of the school year. The strike caused organisational problems in schools, and children and their parents were given contradictory information on whether or not to attend classes, on the so-called "organised care" for children at schools and on justified and unjustified absence from school. The Office of the Ombudsman for Children issued recommendations to the Ministry of Science, Education and Sports, the Trade Union of Croatian Teachers and the Independent Trade Union of Workers in Secondary Education of Croatia, emphasising that the children's best interests should be given primary consideration over the interests of adults and that the burden of conflicts and disagreements should not be borne by students. The Office notified the Government of the Republic of Croatia of this recommendation.

This provided yet another indication of the need for an independent mechanism – an independent ombudsman for children – to protect children's rights in the situations when they are at risk. In contrast with adults, children cannot organise themselves into political or trade-union alliances. The right to strike is an indisputable right of adults, guaranteed by the Constitution of the Republic of Croatia. However, during the mentioned strike of education workers children were invited not to attend classes, which is unacceptable, as in this way they were called upon to renounce their rights in order to support a "cause" advocated by adults. When doubts arise regarding the limitations of rights of all participants, children's own voices and the voices of their parents (who, as a rule, can act only individually, which is very difficult) must be accompanied by the voice of an institution promoting and protecting their rights. Furthermore, it is not unusual that parents themselves violate the rights of their

children, although they should be the first line of the protection of their children’s well-being. This further stresses the need for an independent advocate of children’s rights. Therefore, the UN Committee on the Rights of the Child emphasises the requirement to strengthen the mandate of independent and autonomous ombudsmen for children.

Ombudsperson for Children, Ivana Milas Klarić, Ph.D.

Total number of complaints of individual violations of children’s rights (DP) and general initiatives (DPR) for the period from 2004 to 2015



Complaints of individual violations of children’s rights

Complaints of individual violations of children’s rights	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Personal rights	282	244	557	635	625	687	636	753	701	742	702
Rights of children as members of the society	2	4	13	13	13	11	6	11	11	12	12
Educational rights	31	56	105	121	187	153	159	161	262	273	239
Health care rights	15	10	22	32	35	21	25	28	107	257	184
Social rights	23	14	26	31	48	29	43	42	55	60	42
Economic rights	26	9	57	56	55	72	79	93	90	77	77
Cultural rights	2	7	11	15	11	10	8	19	26	22	37
Rights in judicial proceedings	4	17	30	37	33	38	55	61	81	62	67
Children’s safety and protection					12	12	15	13	25	26	36
Discrimination					3	3	6	16	25	24	20
Lack of jurisdiction					22	19	16	26	42	38	39
Other	31	44	26	49	6	4	6	5	11	2	1
TOTAL	416	405	847	989	1050	1059	1054	1228	1436	1595	1456

2 Monitoring Individual Violations of Children's Rights

(6) In 2015, the Office of the Ombudsman for Children processed a total of 2,144 complaints of individual violations of children's rights, with the figure including the instances of violations from the previous years. In 2015, there were 1,456 new complaints of violations of children's rights, and the Office also processed 688 complaints that were transferred, as pending cases, from the previous years. Due to the specific and complex nature of this matter, a very large number of cases require a several-year monitoring, especially those in the area of relationships regulated by family law (145), due to very strained and dynamic family relationships, repeated appeals by the parties and lengthy proceedings before the competent authorities, very often with uncertain outcomes. A several-year monitoring is also often required in the areas of the protection of children from violence and neglect (152), children's educational rights (188) and economic rights (40).

Individual violations of children's rights

INDIVIDUAL RIGHTS	Pending cases transferred from previous years	Cases opened in 2015	Number of children involved in 2015	
				Child groups
Personal rights - total	329	702	1030	26
Rights of children as members of the society	3	12	9	4
Educational rights	188	239	184	68
Health care rights	20	184	188	2
Social rights	17	42	72	1
Economic rights	40	77	128	8
Cultural rights	22	37	36	12
Rights in judicial proceedings	27	67	80	7
Children's safety and protection	8	36	28	15
Discrimination	20	20	13	8
Lack of jurisdiction	11	39	43	5
Other	3	1	1	0
TOTAL	688	1456	1812	156

The total number of individual cases does not include providing information, instructions and counselling in direct contact with the parties on the Office premises or by telephone, although there were more than 2,000 such contacts. These mostly included one-time enquiries or arrivals and single instances of providing information or counselling, which required no further processing. The majority of the complaints were filed by children's parents (884); 517 complaints were filed by mothers, 285 by fathers and 82 by both parents. Institutions filed 276 complaints. Children contacted the Office personally in 34 cases.

Out of 1,456 complaints received by the Office in 2015, the majority (702) involved violations of children's personal rights. As in the previous periods, most of the complaints concerned parental care issues (382) as well as violence against children and child neglect (247). A large number of the complaints involved violations of children's educational rights (239), health care rights (184), economic rights (77), children's rights in judicial proceedings (67) and children's social rights (42). A smaller number of the complaints involved violations of children's cultural rights (37), children's rights to safety and protection (36), discrimination (20) and the rights of children as members of society (12).

2.1 PERSONAL RIGHTS

In 2015, the Office received a total of 702 complaints related to violations of children's personal rights, involving 1,030 children and another 26 child groups of indefinite number (a class, an educational group, etc.). As in the previous years, most of the complaints were related to violations of the children's right to live with their parents and enjoy parental care (382), followed by complaints concerning violations of the right to protection from violence (178), neglect (69) and violations of the child's right to privacy (40). A smaller number of the complaints involved children's right to know their biological origin (10), the right to birth registration (5), foster care placements (4), the right to life (3), the right to the acquisition of citizenship (3), adoption (3) and the right to a name (2), while one complaint was related to the right to the preservation of identity, one to custodial issues and one to other personal rights. In addition to these cases, 329 cases transferred from the previous years were also monitored.

(7)

Personal rights

PERSONAL RIGHTS	Pending cases transferred from previous years	Cases opened in 2015	Number of children involved in 2015	
				Child groups
Right to life	2	3	4	
Right to know the biological origin	5	10	10	
Right to birth registration	1	5	14	
Right to a name	2	2	3	
Right to the acquisition of citizenship	3	3	5	
Right to the preservation of identity	0	1	1	
Right to live with parents and enjoy parental care	145	382	550	3
Adoption	7	3	3	
Right to protection from violence	126	178	274	9
Neglect	26	69	114	5
Custodial issues	0	1	2	
Foster care placements	0	4	8	
Child's right to privacy	12	40	39	9
Other	0	1	3	
TOTAL	329	702	1030	26

2.1.1 Status Rights

Children's status rights are often violated due to the disregard of the principle of the best interest of the child in the interpretation and application of legal provisions, but also due to the ineffectiveness of competent authorities and excessive duration of proceedings. In 2015, the Office of the Ombudsman for Children dealt with violations of the children's rights to know their biological origin, birth registration, the acquisition of citizenship, the determination of the residence status of children of foreign nationals, etc. The majority of the complaints regarding violations of the children's right to know their biological origin were related to the presumption of paternity based on marriage pursuant to the Family Act of 2003, prescribing that in the cases when the mother's hus-

band is not the biological father of the child the parties are obliged to bring legal proceedings to contest the paternity. In line with the proposals of the Ombudsperson for Children, the new Family Act of 2015 allows for the possibility that the man considering himself the father of the child may, with the consent of the mother and the mother's husband, recognise the child born during the marriage or within three hundred days from the dissolution of the marriage by divorce or annulment. The complaints filed were also often related to the excessive duration of paternity determination proceedings as well as to the slow pace of work, lack of expertise and lack of interest of institutions (registry offices, social welfare centres, courts), some employees and lawyers representing the parties. The excessive length of proceedings and ineffectiveness were especially strongly manifested in the cases when one of the parties is deceased, unavailable or residing abroad. Similar difficulties were observed in the cases of violations of the right to birth registration. Foreign nationals complained about the problems encountered in obtaining residence status for children of aliens in the Republic of Croatia. In these cases, the Office of the Ombudsman appealed to competent authorities to consider the best interest of the child when enacting relevant decisions, to respect the principles of the Convention on the Rights of the Child and ensure that children are not separated from their parents against their will as well as to consider the request to enter the country put forward by children or their parents in a beneficial and humane manner, enacting decisions within the shortest possible time.

2.1.2 Right to the Preservation of Identity

As regards sexual and gender identity rights, in 2015 the Office of the Ombudsman for Children continued to monitor the realisation of the rights and interest of children with gender dysphoria and held meetings on the topic of transgenderism with the representatives of ministries, NGOs and the ombudsperson for gender equality. The Office participated in the public debate regarding the adoption of the Guidelines for the compilation of reports of social welfare centres on personal and family circumstances of applicants for gender reassignment or transition to another gender identity.

2.1.3 Right to Privacy

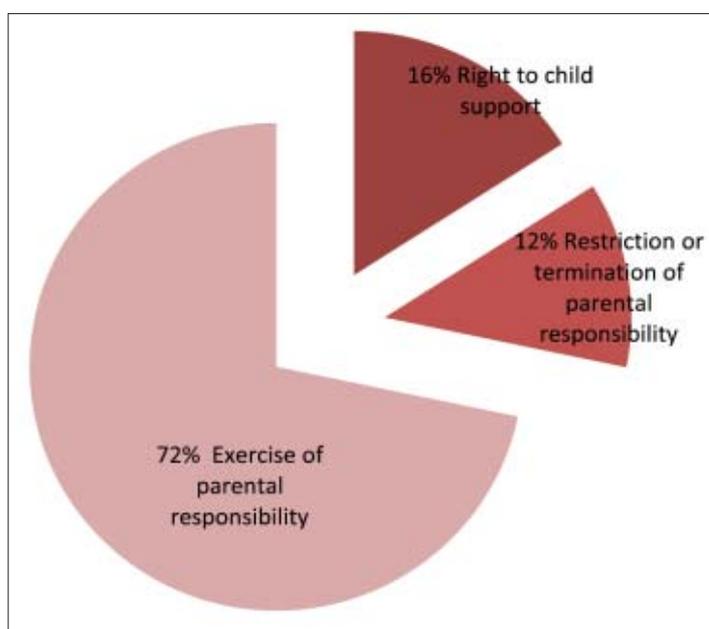
The Office of the Ombudsman for Children received complaints regarding the violation of children's right to privacy from parents, citizens, children, representatives of educational and health care institutions as well as from sports clubs. The majority of the complaints filed were related to a violation of children's personal data, such as the unauthorised publication or use of children's photographs or other personal data, including their name and surname, personal identification number (OIB) or address, primarily in the media, but also in institutions, within the family and in other settings, in the context of application of special laws. Inquiries were made about photographing and recording children, video surveillance and the use of children's personal data. The Office reminded the inquiring parties of the obligation to comply with the Act on Personal Data Protection and of the stance of the Croatian Personal Data Protection Agency. As the Agency is the competent authority for the supervision of the implementation of personal data protection, the Office either forwarded parents' complaints to the Agency or instructed parents to apply in person to the Agency, which has the power to prohibit some activities, order the elimination of irregularities or propose the initiation of minor offence or criminal proceedings, or informed them of other possibilities of protection under regulations. The Office reiterated the recommendations issued to the Ministry of Science, Education and Sports on the protection of children's privacy in the area of education and sports. Educational workers were recommended to apply the provisions of the Ordinance on the Manner of Conduct of the Staff of Educational Institutions in Implementing Measures to Protect Students Rights and Report Every Instance of Violation to Competent Bodies, and to consult with the Croatian Personal Data Protection Agency in case of doubt.

Instruments for the protection of children's right to privacy are still not efficient enough. Due to the lack of information on the methods for child privacy protection and insufficient knowledge of regulations, it is important to continue raising the awareness of experts and the general public of the importance of protecting children's privacy in all segments of their lives.

2.1.4 Right to Live with Parents and Enjoy Parental Care

The complaints of violations of children's right to live with their parents and enjoy parental care were again this year the most common among the complaints filed with the Office of the Ombudsman for Children. The Office received 382 complaints of this type, involving 550 children and 3 child groups. Four of the complaints were filed by children. Out of the total of 382 complaints, 47 were related to the restriction or termination of parental responsibility, involving 75 children and 2 child groups. There were 61 complaints regarding children's right to be supported by their parents, which involved 82 children and one child group. The bulk of the complaints in this area continued to be made with regard to the issues related to the exercise of parental responsibility – 274 complaints filed involved 393 children of all age groups.

Right to live with parents and enjoy parental care – total number of complaints



In such cases, the activities of the Office of the Ombudsman include monitoring the status of the protection of children's rights, issuing recommendations and warnings, requiring information on the action taken and submission of relevant documentation, mostly from competent social welfare centres and the police, communication with the ministries competent for social welfare and justice as well as communication with parents and children seeking help directly from the Office.

The previous year was also marked by disputes and a complex legal situation with regard to the new Family Act. In January 2015, the Family Act (ObZ 2014) was "suspended" pursuant to a Constitutional Court decision. The

Ombudsperson for Children issued notifications and recommendations regarding this matter to the Croatian Parliament, the Constitutional Court and the Government of the Republic of Croatia. The Government of the Republic of Croatia was issued a recommendation to ensure, in compliance with the Convention on the Rights of the Child, that the best interests of children are of the paramount consideration so as to prevent any further violation of their rights in the ensuing complex legal situation. The Ombudsperson for Children appealed to the Croatian Parliament and its representatives to act within the scope of their powers in order to protect children's rights and enable their free development. The Family Act (ObZ 2015) was adopted in September 2015 and came into effect on 1 November of the same year. Given the short period of implementation of both new versions of the Family Act, no conclusions can be made as to their efficiency in the protection of children's rights.

There were unfortunately no major advances with regard to issues related to the rights of children to live with parents and enjoy parental care. As in the previous years, the complaints submitted to the Office of the Ombudsman were primarily related to dissatisfaction with the performance of institutions conducting procedures and expert interventions in child protection cases (social welfare centres and courts), distrust of their work and expert assessments, objections to the other parent's behaviour towards the child, especially evident in the cases involving the dissolution of a marital or cohabiting union of parents. Assistance from the Office was sought by parents who had been instructed by experts to reach an agreement and make plans for joint parental care even in the cases where this was evidently impossible owing to a high level of mutual conflict between parents, their unwillingness to cooperate and non-accessibility to counselling.

In various family situations, especially when relationships are strained, it is very important that parents and other family members assume their share of responsibility for the child's situation and do not transfer responsibility to others. However, in high conflict situations, and when parents are incapacitated or unmotivated to reach an agreement, they should not be pressured to do that and left to cope with the problem on their own. This may be harmful for the child, who is unprotected in the midst of an ongoing conflict. It is important to recognise such parents in an early phase of work with the family and plan effective interventions to protect the child in order to avoid his/her exposure to parental manipulation and other forms of emotional violence.

The Office of the Ombudsman for children has for years been warning of the lack of expert staff in social welfare centres and the need to strengthen their competencies through ongoing training and supervision and to prevent their professional burnout. There is a lack of counselling centres providing support to parents and children with parental care, family relationships and problems faced by parents and children during children's growing up years, which is an especially acute problem outside large cities. Family courts have not been established, judicial proceedings are very long and judges need further professional training in developmental psychology as well as in family and marriage psychology. The non-enforcement of court orders issued to safeguard children's rights and well-being poses a huge problem, as well as the enforcement of execution. Mild and inefficient sanctions for parents who breach these orders prevent children from obtaining timely protection of their rights. The collaboration and coordinated action among the bodies participating in the proceedings related to the protection of children's well being should be strengthened. In the cases when a child has been wrongfully removed from and retained outside his/her country of habitual residence parents are often not provided with the information that they have to apply to the Ministry of Social Policy and Youth. In addition, there are difficulties with the enforcement of decisions to return a child to the country from which he/she has been wrongfully removed and children in the middle of a parental conflict subject to proceedings at foreign institutions are in an unenviable situation.

2.1.4.1 Foster Care, Deinstitutionalisation and Adoption

As a result of the implementation of the Plan for Deinstitutionalization and Transformation of Social Welfare and Other Legal Entities Providing Social Care Services in the Republic of Croatia 2011 – 2016 (2018), four children's homes were converted to community service centres. However, the protection of children without parental care still suffers from deficiencies that the Office of the Ombudsman for Children has been pointing to for several years, including a shortage of foster care placements due to an insufficient number of foster families, their uneven territorial distribution, the absence of professional foster care, the lack of urban and specialised foster care, insufficient support provided to foster families, substandard education of foster parents (resulting in an inadequate foster care), the non-inclusion of children in making decisions that concern them and irregular visits to children placed in foster care by the staff of social welfare centres. The majority of the complaints and inquiries concerning the foster care of children were related to the organisation of children's coming in contact and socialising with their grandmothers and grandfathers, their return from the foster family to the biological family, difficulties in the cooperation with social welfare centres and their actions connected with the withdrawal of foster care licenses.

The findings of the Research on Children and Young People Placed and Residing in Homes for Children without Appropriate Parental Care in 2015, carried out by the Office of the Ombudsman for Children, show a continued decline in the number of children in children's homes; however, this number is still high, due to an insufficient number of foster families in Croatia and the fact that in some parts of the country there are almost no foster families. It is therefore understandable that social welfare centres opt for placing children in homes near their residence so as to enable them to maintain regular contact with their parents and remain in the familiar setting.

The Office took action in three cases related to children's rights in adoption, involving three children. The complaints were lodged by parents and potential adoptive parents regarding the procedures in social welfare centres and the protection of the adopted child's privacy.

As at 31 December 2015, 857 children and young people were placed in homes for children without appropriate parental care, the majority of them (261) between 15 and 18 years of age. The number of children in homes in 2015 decreased by 80 compared with 2014. Notwithstanding this decrease,

the Office considers that the number of children younger than seven years of age placed in homes (184) is still too high. While the protection of rights of children in care is still not completely adequate, improvements were observed in the quality of care and in the protection of children's rights in comparison with the previous years. Although the number of children in institutions decreased, the question is whether placing children with foster families was always in their best interest.

2.1.4.2 Child Support

The Office received a total of 61 written complaints and inquiries relating to difficulties in the realisation of the right to child support, involving 82 children and one child group of indefinite number. The majority of the complaints lodged were related to child support proceedings (21), wage garnishment (19), and in many cases the complainants sought information or complained about difficulties in the realisation of this right. Other complaints concerned the conduct of criminal proceedings, difficulties in the realisation of the right to temporary support from social welfare centres and the enforcement of a child support order from abroad. The complaints were also made about the work of various institutions or individual employees of courts, social welfare centres, the Financial Agency as well as of lawyers. The complaints were mostly related to the excessively long duration of child support proceedings and the system's inefficiency in the realisation of child support rights.

Based on the information gained by monitoring this area and received from complainants, the Office has concluded that the violations of child support rights were primarily caused by parents avoiding their child support obligations. In some cases, they fail to fulfil this obligation because they hold the wrong view that the support is paid to the other parent and not to the child. The violations are also caused by interpreting regulations to the disadvantage of children or by loopholes and deficiencies in regulations. Therefore, the need remains for an increased effort of the whole system to facilitate the realisation this children's right.

2.1.5 Right to Protection from Violence and Neglect

Complaints involving violence and neglect 2008 – 2015

	2008	2009	2010	2011	2012	2013	2014	2015
Domestic violence	139	82	75	85	108	85	78	68
Violence in educational institutions	89	51	83	60	68	76	50	68
Violence in other institutions	12	7	9	11	5	9	18	2
Other forms of violence	57	69	49	59	51	48	47	40
Neglect		50	66	58	63	55	70	69
TOTAL	297	259	282	273	295	273	263	247

2.1.5.1 Domestic Violence and Child Neglect

In 2015, 68 complaints filed were related to instances of domestic violence, involving 115 children, which is a slight decrease compared with 78 complaints filed in 2014. Many phone inquiries were received on a daily basis in connection with the protection of children from domestic violence, with the callers complaining about the actions taken/failed to be taken by the police, social welfare centres, the State Attorney's Office, courts and health care institutions and requiring information on the reporting procedure and on the child's obligation to give testimony at the police station and in court. In this reporting period, the majority of the complaints (36) were related to psychological abuse of children in the cases when children were exposed to or witnessed conflicts between their parents or other family members. The Office received four complaints about the use of corporal punishment in the family.

There were 69 complaints related to child neglect in the family and institutions, involving 114 children and five child groups. Out of the total number of complaints filed, five were related to child neglect occurring in institutions and 64 in the family, 28 of which referred to general neglect of children's health care, education, upbringing and the right to play and enjoy leisure time, 14 to neglect in upbringing, nine to neglect of health care and three to neglect of the right to play and enjoy leisure time.

The Family Act provides for the obligation and responsibility of parents to impose a night curfew (11 p.m. to 5 a.m.) for children younger than the age of sixteen and forbid them to go out at that time unaccompanied by them or another adult they trust. However, in 2015 again some children stayed out overnight during that period, spending time in parks, hanging out in coffee shops and clubs or in the street.

2.1.5.2 Violence in Educational Institutions

In 2015 there were 68 individual complaints relating to some kind of violence in educational institutions, which is an increase of 36% from the previous year. The statistics compiled by the Office of the Ombudsman for Children is not a relevant indicator of the incidence of this problem and does not provide a definite proof of a significant statistical difference in the cases of violence. However, this increase is an indication that this problem persists and that greater attention is required by all participants in the children education process. In addition to processing individual complaints, in 59 cases the Office staff provided telephone counselling in connection with violence in educational institutions. Out of the total of 68 complaints lodged, 10 complaints were related to kindergartens and 58 to schools; 48 complaints were related to peer violence among children (45 in schools and three in kindergartens) and 20 to violence of adults against children (13 in schools and seven in kindergartens). Most of the complaints were filed in the city of Zagreb and a lesser number in the Split-Dalmatia County and in Primorje-Gorski Kotar County. Parents lodged 50 complaints and two complaints were lodged by children. Educational institutions also lodged complaints. The number and content of complaints concerning violence in educational institutions show that this is a complex problem, which needs to be addressed through coordinated activities of all key stakeholders in the society aimed at the systematic implementation of professional and efficient preventive programmes.

2.1.5.3 Violence in Other Institutions and Other Forms of Violence

Violence in child care institutions still exists, although it is very rarely reported as the persons reporting it claim that it is very difficult to confirm. The Office staff usually learns of the dark figure of violence incidents and the unwillingness to report it from children during inspection visits to children's homes and correctional institutions. There are also instances of verbal abuse of children in sports clubs, which some adults consider as the normal form of communication with children. The largest number of complaints this year again concerned violence against children perpetrated by their adult neighbours. Law enforcement officers and judicial officers often treat such incidents of violent behaviour as offences against public order, neglecting its violent component. Some complaints pointed to verbal abuse by some public transport drivers, who communicated with children in an inappropriate way and in some cases endangered their safety ordering them to leave the bus. Complaints related to peer violence indicate that it occurs in school buses, in children's neighbourhoods and in adolescent relationships.

2.1.5.4 Violence and Other Violations of Rights through the Internet and Mobile Phones

In addition to complaints and inquiries from parents, institutions and children related to the protection from violence through the internet and mobile phones, the Office received a large number of inquiries from journalists on the Ombudsperson for Children's attitudes on peer-to-peer cyber bullying and the course of action taken in these situations. The relatively small number of the complaints filed with regard to this issue does not reflect the actual number of violations, given the wide scope of child rights violations in the virtual world, especially because peer violence started in educational institutions in most of the cases continues through the internet and mobile phones. As indicated by the monitoring of the protection of children's rights on the internet, there is room for improvement of the legislative framework and preventive and protection measures. However, one also notices an increase in awareness of these issues and efforts made to improve the protection of children in this area.

2.2 RIGHTS OF CHILDREN AS MEMBERS OF SOCIETY

This area includes children's right to participation, provided that they are, with regard to their age, able to form their own opinion (about family law related issues, at school, in sports clubs, in the settings where extracurricular activities take place and in other settings), the right of access to information, the right to freedom of thought, conscience and religion, the right to free association and peaceful assembly and the right to protection from potentially harmful information. This section also includes the issue of the behaviour of politicians towards children. Although the participation of children, capable of forming their opinion in the various spheres of life is an important principle under the Convention on the Rights of the Child, judging by the small number of complaints filed with the Office, and by children's own statements, this right is not appropriately recognised either by children or by adults and continues to be paid lip service only.

2.3 EDUCATIONAL RIGHTS

In 2015, the Office of the Ombudsman for Children received 239 complaints concerning individual violations of children's right to education. Out of the total number of the complaints received, 171 were related to 184 children and 68 to a child group, that is, to an educational group, a class or an institution, which is why the precise number of children could not be ascertained. Complaints of individual violations of children's right to education accounted for 16.4% of the total number of the complaints of individual violations of children's rights received by the Office in 2015, and are the second most common complaints, coming right after complaints over violations of the right to parental care. The bulk of the complaints filed involved the violations of rights of children in primary (113) and secondary education (75), followed by the complaints relating to preschool education (51). Complaints related to violations of the rights of children with developmental disabilities (78) accounted for 32.6% of the total number of complaints regarding education-related rights.

As in the previous years, the issues related to accessibility of preschool education remained significant, including the impossibility to enrol children in preschool education programmes, unequal conditions for children attending preschool education programmes and the inconsistency of rules and methods for the co-financing of kindergarten placements imposed by the founders.

Complaints related to primary education were made over the absence of school transport, poor transport connections and unsafe transport conditions as well as to the inability to exercise the right to free textbooks and additional teaching materials or their co-financing.

Complaints related to secondary education involved the inability to enrol in an education programme or change the education programme students enrolled in, the inability to exercise the right to subsidised school transport, problems with e-enrolment in secondary school through the website of the National Information Admission System for Secondary Schools and enrolment in secondary school in general as well as to the elements and criteria for the selection of candidates for secondary school enrolment. The bulk of the complaints concerned the impossibility for children to enrol in the first grade of the desired secondary school. The Office of the Ombudsman for Children recommended the Ministry of Science, Education and Sports to address each case separately and provide assistance to children so as they would not suffer the consequences of adults' lack of information and wrong assessments. The enrolment procedure should be designed to include time limits enabling all children to get enrolled in secondary school before the beginning of September, and the Ministry of Science, Education and Sports and school founders should provide children and parents with complete and timely information. The number and structure of classes as well as the number of students should be planned in due time.

Complaints in connection with safety, spatial and organisational conditions in preschool education were filed about changes of child care workers in kindergartens, organisational changes, small play areas, the number of children in groups, children's meals, construction works, safety and spatial conditions. As regards the same type of complaints concerning primary and secondary education, parents complained about the changes of school teachers, setting up new classes, students' school duty assignments, safety threats to children are exposed to during the renovation of school buildings and school yards and in school transport.

The strike of education workers caused organisational problems in schools and difficulties arising from contradictory information given to children and parents on whether or not to attend classes and on justified and unjustified absence from school. The Office of the Ombudsman for Children issued recommendations to the Ministry of Science, Education and Sports, the Trade Union of Croatian Teachers and the Independent Trade Union of Workers in Secondary Education of Croatia, emphasising that the children's best interests should be given primary consideration over the interests of adults and that the burden of conflicts and disagreements should not be borne by students. The Office notified the Government of the Republic of Croatia of this recommendation.

A large number of complaints (64) concerned inappropriate, unprofessional and unethical conduct of education and other staff in educational institutions towards children and the violations of children's dignity in the educational process (13), including various forms of inappropriate behaviour towards children, professional and educational incompetence, education staff's lack of awareness of children's rights and interests and the failure to implement measures to protect the rights of the child.

When employing or hiring new staff, preschool institutions and primary and secondary schools fail to verify whether a candidate has been convicted by a final judgment of criminal offences that disqualify such a candidate from employment in an educational institution under the Act on Primary and Secondary Education, or of a so-called "sexual offence" pursuant to the Law on the Legal Consequences of Conviction, Criminal Record and Rehabilitation. The Office issued a recommendation to the Ministry of Science, Education and Sports to obtain, before employing or hiring a person who is to work or be in contact with children, a certificate from the Ministry of Justice criminal records showing whether the prospective employee has been convicted by final judgement of criminal offences disqualifying him/her from working in an educational institution.

Schools face a problem of protecting children from sexual harassment and abuse, while having to ensure the legal rights of a suspect staff member, against whom criminal proceedings are still pending and who, under regulations in force, may not be suspended based only on the suspicion of commitment of a criminal offence against a child. Schools are instructed to implement labour law measures and ethical measures against employees, irrespective of the actions taken by judicial authorities.

Factors weighing on a timely and efficient child protection include inadequate competencies of education and other workers, the lack of adequate regulations and mechanisms for the verification of education personnel's capacity for educational work with children and the lack of efficient labour law measures and expert pedagogical and inspection supervision measures to prevent the employment of persons violating children's rights. Although an ordinance on the certification of education personnel and school principals should have already been adopted, the Office of the Ombudsman for Children has no information that any activities to this effect are underway. At the beginning of the school year 2015/2016 the Office has issued a recommendation to the Ministry of Science, Education and Sports on the need to establish a certification system for education personnel and school principals in order to enable periodical inspections of their capacity for educational work with children and improve the quality of their work.

The complaints related to the curriculum programmes and content mainly regarded schools' failure to organize remedial courses, the (non)accessibility and organisation of optional activities (trips and excursions), the content of assigned reading lists, the lack of programmes compensating for religious education in primary schools, children's participation in religious activities outside the religious education programme and promotional materials that are not in line with educational goals.

According to the information available to the Office of Ombudsman for Children, children and young people still lack systematic education on a healthy lifestyle and responsible sexual behaviour, although healthcare education (which incorporates sex education) was in the school year 2012/2013 introduced in the curriculum of all primary and secondary grades both as cross-curricular content and an obligatory class subject. The Office considers that all children in educational institutions must receive a systematic civic education and human rights education as well as an education in tolerance and coexistence in a democratic society, which so far has not been the case. At the beginning of the school year 2015/2016, the Office reiterated the recommendation to the Ministry of Science, Education and Sports emphasising the need to introduce civic education into the curriculum of all schools.

The number of complaints related to individual violations of the educational rights of children with developmental disabilities (DD) edged down from the previous year, with most of the rights' violations occurring in the primary education system.

The majority of the complaints about the violations of rights of children with DD were this year again related to the absence of kindergarten assistants and primary and secondary school assistants and/or communication intermediaries for children with DD. Therefore, these support models for children with DD should be legally regulated and resources should be provided for them. Training and supervision programmes for kindergarten assistants and school assistants/intermediaries should be developed.

The Office of the Ombudsman for Children has conducted a survey with secondary school students with DD, who stressed the need for the adjustment of vocational education so as to enable students with DD to achieve the competencies required for their employment and further social integration.

2.4 HEALTH CARE RIGHTS

The Office of the Ombudsman for Children acted on 184 individual complaints of the violations of children's health care rights, affecting 188 children and two child groups, and conducted general initiatives. The Office staff members paid inspection visits to seven health care institutions and seven recommendations for an integrated protection system were issued. Most of the complaints (143) were received from institutions, primarily including notifications of the Ministry of Health Sanitary Inspection on their actions against parents refusing to have their child vaccinated as well as complaints of other institutions regarding the protection of children's health care rights. In 28 cases complaints were submitted by parents and in some case the Ombudsperson for Children took action on her own initiative. Complaints were related to the organisation of health care for children and the treatment of children by health care personnel, the shortage of certain types of medical specialists, the protection of rights of diabetic children, the parents' stay with their children in hospital during the children's treatment, children's easy access to alcohol and tobacco products, the use of unconventional medical treatments for children, the protection of children's mental health and health protection for children with DD. One of the issues dealt with was the administration of emergency contraceptives to minors; a recommendation regarding this issue was submitted to the Croatian Medical Chamber.

Most of the complaints filed (135) concerned the refusal of parents to have their children vaccinated against the diseases specified in the Mandatory Vaccination Schedule for Preschool and School-age Children. The Office also received complaints from kindergartens and non-medical experts regarding compliance with the Programme of Health Care, Hygiene and Nutrition in Kindergartens. According to the Programme, a precondition for a child's enrolment in kindergarten is that he/she has been vaccinated against the diseases specified in the Mandatory Vaccination Schedule, with the exception of children with contraindications to vaccination with a specific vaccine. Kindergartens are required to verify each child's vaccination records and inform his/her parents, guardians or adoptive parents of their obligation to have the child vaccinated if vaccination has not been performed. The Office considers that a consistent compliance with the mentioned Programme, adopted pursuant to the Preschool Education Act, contributes to the protection of health of all children in a kindergarten, including those that cannot be vaccinated due to medical reasons, and that the mentioned precondition does not constitute discrimination against children under the Anti-discrimination Act. The parents who refused to have their children vaccinated were reminded of their civil liability and kindergarten principals of their responsibility for enrolling in the kindergarten children who did not receive all the required vaccinations, as a regular vaccination record is a precondition for kindergarten enrolment.

2.4.1 Children's Mental Health Care

There are still no sufficient spatial or personnel capacities for the provision of ongoing multidisciplinary care and support to children with mental health difficulties and their families. Child psychiatry, although a separate specialisation, is still marginalised in the health care system. There is no protocol for a uniform treatment of children in an acutely critical condition, which is an especially alarming problem in small communities. The rights of the children illegally treated in the Lopača Psychiatric Hospital are violated as this hospital has no condition for the medical treatment of children and is not includ-

ed in the list of child health care institutions. The system for suicide prevention, medical treatment, monitoring and comprehensive protection of children at risk of suicide or those who have attempted suicide is underdeveloped.

(16) The advances observed in the previous period include setting up a specialised child and adolescent psychiatry department in the Split Clinical Hospital, the announced moving of the Osijek Clinical Hospital child and adolescent psychiatry department to more suitable premises and the start of work of the school for primary school children undergoing treatment in the one-day clinic of the Psychiatric Hospital for Children and Adolescents in Zagreb, who cannot attend classes in their school of residence because of their mental health difficulties.

2.5 SOCIAL AND ECONOMIC RIGHTS

In 2015, the Office of the Ombudsman for Children received 119 complaints related to children's social and economic rights. Out of the total number of the complaints received, 42 concerned children's social rights (the execution of social welfare rights, child benefits, survivor's pensions, maternity and parental benefits) and 77 were related to children's economic rights (the right to an adequate standard of living, the right to protection from economic exploitation and hazardous labour as well as the protection of children's property rights). The complaints involved 200 children and nine child groups of indefinite number.

The content of the complaints shows that poverty, as a consequence of a prolonged economic crisis, has an especially adverse effect on children, resulting in numerous detrimental consequences and directly or indirectly influencing the realisation of their rights (the right to an adequate standard of living, the right to receive the best possible health care, the right to education, the right to participation and other rights). Children, a socially vulnerable group, should be provided with adequate social care from their earliest age, including more placements in infant nurseries and kindergartens, prolonged children's stay at school, parenting support, parent counselling centres, an access to health care services and quality education, children's learning support programmes and free leisure activities for all children, especially for those in disadvantaged neighbourhoods.

The recommendations of the UN Committee on the Rights of the Child issued to the Republic of Croatia in 2014 remained useful guidelines for the creation of conditions for an improved and more comprehensive realisation of children's rights. One of the recommendations is to establish a "child budget", in such a manner as to allocate, based on an assessment of children's financial needs by sectors, funds for children in poor living conditions and to protect these funds from austerity measures, especially during crises and natural disasters. This also includes carrying out a clear analysis of children's needs and providing stable sources of funds to meet these needs at all times, regardless of social conditions and local government or state budgets' balances.

2.5.1 Social Rights

In the area of social rights, the complaints filed were related to child benefit, disability allowance, the right to reduced working hours, maternity and parental benefits, guaranteed minimum allowance, aid and assistance benefit, the status of parent-caregiver, survivor's pension, one-time allowance, child care leave and other social rights. A large number of complaints concerned the protection of children with DD. The problems parents complained about included unemployment, low salaries, debts, loans, wage garnishments, non-payment of child support, poor housing and financial conditions, difficulties with the realisation of social welfare rights and other negative, crisis-induced factors. Parents were often ill-informed about the ways and possibilities to execute their children's rights, they complained about violations of their children's rights and actions taken by some officials they held responsible for not recognising these rights or claimed that the instructions and information on children's rights they received were inaccurate. Parents were instructed to apply to competent authorities in order for issues related to children's rights to be resolved in an administrative procedure. Difficulties in the execution of some social rights were due to the inaccurate interpretation/application of regulations or their inefficiency. Although the Act on Amendments to the Social Welfare Act brought about some improvements, a number of proposals for better protection of children's rights put forward by the Office during the adoption procedure were not taken into account.

2.5.2 Economic Rights

The bulk of the complaints concerning violations of children's economic rights were related to the right to an adequate standard of living and to the protection of property rights, followed by the complaints about economic exploitation, hazardous labour and inappropriate advertising.

The complaints received involved 128 children and eight child groups of indefinite number.

The right to an adequate standard of living — The complaints related to this area continued to be made primarily about existential threats to children caused by the lack of funds for the payment of utilities (electricity, gas and water), school and kindergarten expenses, housing expenses and families' inadequate living conditions. These problems were, as a rule, due to parents' unemployment, low earnings, the use of social welfare benefits and the inability to realise the right to child support payments and collect them from the child's other parent.

The complaints filed indicated that in some cases social welfare measures and benefits were not enough to meet all needs of families with children. The division of matrimonial property in divorce proceedings, property execution proceedings initiated to settle accrued debts and evictions of owners and family members also posed a direct threat to children's living standards.

Economic exploitation and hazardous labour — The complaints received were related to violations of students' rights while in practical training or in apprenticeship with an employer, illegal labour or employment of children and children's participation in cultural or art activities. The Office was engaged in the protection of child beggars this year again.

Recommendations were issued to the Ministry of Science, Education and Sports, the Ministry of Entrepreneurship and Crafts, the Croatian Chamber of Trades and Crafts and the Agency for Vocational Education and Training and Adult Education regarding the rights and protection of students participating in practical training and exercises with an employer, the Ordinance on Issuing Licenses for Conducting Practical Training and Apprenticeship Training and on the programme of pedagogical competencies of persons teaching students who participated in practical training and exercises. A proposal was issued to the Ministry of Labour and Pension System to stipulate in the new Ordinance on Permitted Occupations for Minors that an authorised person must supervise minors who have completed a vocational secondary school while they perform jobs with special working conditions.

Protection of children's property rights — The complaints relating to the protection of children's property rights suggested that some parents lacked adequate information on maintaining finances and unintentionally acted to the detriment of their children's property. Some parents (prone to gambling or alcohol) intentionally violated children's property interests. A general problem in this area is an inadequate education of social welfare centres' employees (and judges) on the protection of children's property rights.

The Opinion of the Ministry of Social Policy and Youth of 23 September 2014, specifying that the amount of funds parents may use within one month may not exceed HRK 10,000, was in effect throughout the previous year. In the opinion of the Office of the Ombudsman for Children, this Opinion should be supplemented by additional "protective clauses" and mechanisms for the protection of children's interests against their parents' potential harmful actions. A distinction should be made between one-off payments and ongoing withdrawals from children's accounts, which requires more precise further instructions from the Ministry.

Parents applied to the Office with regard to debt burden or mortgage on their children's property or in connection with court proceedings on property issues, evictions from homes, etc. The Office also monitored the situation of children-debtors according to the information submitted by the Tax Administration of the Ministry of Finance.

Inappropriate advertising — The complaints regarding children's protection from inappropriate advertising involved advertising in educational institutions, the use of children for marketing purposes, political and other campaign ads and inappropriate television commercials' content. Due to repeated complaints over the display of advertisements for pornography, fortune-telling and tarot reading on text pages, the Office again launched an initiative to amend regulations. The Office reiterated the requirement to reduce the number of beer commercials and comply with the provisions of the Act on

Electronic Media on restrictions for advertising alcoholic beverages and pointed out the existence of legal loopholes regarding all other forms of direct and indirect advertising of alcoholic beverages, except in electronic media, caused by the repealing of the Food Act of 2007.

2.6 CULTURAL RIGHTS

The bulk of the complaints lodged concerning violations of children's cultural rights referred to the area of sport. The rest of the complaints concerned poorly maintained and devastated playgrounds, the demolition of a playground and its conversion to a parking area, safety threats children are exposed to during school breaks, children's safety in play areas, a situation when a child with developmental disabilities was not admitted to a shopping centre's play area, the violation of children's cultural rights following parental divorce, the schedule of religious education classes, paying the full price of a swimming pool entrance ticket for a child, the devastation of a children's ecological park and a child-alien's participation and a several-hour performance with an acrobatic group without safety nets. The complainants were informed of the methods and possibilities for the protection of children's rights and referred to competent authorities from which reports were requested regarding the mentioned issues.

The activities of the Office of the Ombudsman for Children related to this area, both on the individual and general levels, were channelled according to individual complaints received during the year and information on deficiencies in legislation, practice and preventive measures for the protection of children's cultural rights. In this context, in 2015 the Office organised a panel discussion on the topic Position and Rights of Children in Sport and a round table discussion Possibilities and Obstacles for the Realisation of the Child's Right to Safety, with an aim to stress the importance of protecting children's rights in their leisure time.

2.6.1 Protection of Children in Sport

In addition to complaints, comments and inquiries on inappropriate and violent behaviour of coaches towards children in sports clubs, complainants also applied to the Office regarding irregularities in the organisation of competitions, difficulties with obtaining membership withdrawal certificates and the protection of privacy of child athletes. Several cases involved negative consequences that children suffered due to unresolved relationships and conflicts between adults in sports clubs, between parents and clubs or between clubs and the sports federation. The Office replied to inquiries, addressed sports clubs and national sports federations, in some cases requested reports from other bodies (sports inspectors, the police, the State Attorney's Office, national sports federations) and issued recommendations and warnings. An analysis of the complaints related to sports and relevant regulations shows that there are legal loopholes and deficiencies in this area that jeopardise the rights and position of child athletes. An inefficient legal framework and the absence of strategic documents definitely have an impact on the frequency and type of injuries suffered by children involved in sports. The Office of the Ombudsman for Children took part in an online panel discussion on the draft proposal of the Sports Act. The conclusions of the expert discussion Position and Rights of Children in Sport were forwarded to all key stakeholders (available in the complete Work Report for 2015).

2.7 PROTECTION OF RIGHTS IN JUDICIAL PROCEEDINGS

In 2015, the Office of the Ombudsman for Children received 67 complaints about violations of children's rights in judicial proceedings. Most of the complaints lodged (30) were related to child sexual exploitation and abuse and the right to dignity in the proceedings before competent authorities (20). There were five complaints about alleged violations of the right to a trial within a reasonable time, the right to minimum guarantees for children suspected of, accused of, charged with or sentenced for a criminal offence, and the rights of a child witness. One complaint was about a wrongful legal action taken on account of a child's alleged debt.

2.7.1 Protection of Child Witnesses and Victims in Judicial Proceedings

The majority of the complaints regarded alleged incompetent and unprofessional behaviour of persons that a child victim or a child witness was in contact with in the course of the procedure (a social welfare centre employee, expert in the judicial proceedings, etc.). Inquiries were also made about whether a child had to respond to a subpoena and on the method of protecting a child from the person against whom he/she had to testify, especially in the situations when the child felt threatened. Based on the monitoring of individual complaints it can be concluded that, notwithstanding the regulations on child protection in force, the practice shows that children's specific vulnerability and the need to approach them differently than adults are not sufficiently taken into account. Children do not testify via a video link, especially when this is not a legal requirement, but depends on a discretionary decision of the judge conducting the proceedings; rather than in out-of-court premises suited to their needs, children are interrogated in inadequate court rooms. Despite the progress observed, in particular with regard to providing expert support and assistance through special departments at county courts, some individual cases point to the need to further improve the legislative framework for the protection of child witnesses and child victims of criminal or minor offences, define clearer rules and roadmaps and ensure the implementation of regulations.

Protection from sexual exploitation and abuse – The problems related to the area of child protection from sexual exploitation and abuse concern especially the inappropriate treatment of child victims in judicial proceedings. The Office of the Ombudsman for Children therefore considers it necessary to set up regional centres, following the example of some countries, for the provision of emergency medical, psychological and legal support at one location, to enable children to testify only once, to appoint children's legal representatives to represent their interests in the course of proceedings and to ensure that support and assistance is provided after the completion of criminal proceedings. Concerns are also raised by "mild" sentences for perpetrators, due to which some mechanisms for protection and the prevention of new criminal offences (supervision of perpetrators of sexual offences, short rehabilitation periods) cannot be applied. Convicted perpetrators are very rarely, as a safety precaution, prohibited from exercising a duty or performing an activity wherein they are in regular contact with children or ordered to receive supervision once they complete their prison sentences. The potential harmful effect of such practice on children's protection is best illustrated by the example of a person who, having been sentenced to prison for long-term sexual abuse of children placed in care, upon completing his sentence and before starting rehabilitation legally established an organisation whose activities included the prevention of and protection from sexual abuse and sexual exploitation of children from welfare families and homes for children and minors. It is therefore necessary to regulate and ensure the protection of victims after perpetrators' release from prison, to provide for the prohibition of conditional discharge for perpetrators of sexual violence against children, to ensure that perpetrators are supervised and to impose safety precautions for a period longer than the one currently prescribed. It should also be possible to impose children protection measures subsequently, whenever it is deemed necessary. The Office of the Ombudsman has been warning of some of these problems for years and requiring that regulations be amended, but its proposals have unfortunately not been accepted. In addition, concerns are raised by some cases of sexual harassment and inappropriate behaviour of professors and teachers in schools and coaches in sports clubs. The Office deems it necessary that licences to work with children be introduced and that persons behaving unprofessionally towards children be banned from work. The **protection of privacy of children victims of sexual violence** is a long existing problem. Children's privacy is most often violated by the media, but errors are also made by some bodies, such as the State Attorney's Office and courts. It is a cause for worry that a large number of children's institutions (schools, kindergartens, students' hostels, children's homes, sports clubs, playrooms, etc.) verify the previous conviction record of a candidate for work with children based on a so-called "certificate of no criminal record", which does not prove that such a person has not been convicted. Such verification can only be made pursuant to a certificate from the Ministry of Justice criminal records.

2.7.2 Protection of Children in Conflict with Law

The majority of individual complaints filed with the Office of the Ombudsman for Children were related to **police officers' treatment of children suspected of criminal offences** and minor offences, the

treatment of child perpetrators in judicial proceedings and the excessively long duration of proceedings. The complaints most often concerned the illegal use of force, apprehending children by police officers and failure to call parents or guardians when apprehending children as well as interrogating children without the presence of their parents. As regards **the area of judicial proceedings**, most of the reported violations were related to the rights of the child to information, to express his/her views and to participate actively in the proceedings. Children's participation in judicial proceedings is often realised only as a matter of form, without giving proper consideration to their opinion. In some cases children's defence counsels acted inappropriately, unnecessarily stalling the proceedings, mostly with an aim to avoid the child's accountability, thus in fact acting to the detriment of the child. In the cases of peer violence, concerns are raised by the fact that the perpetrator and the victim were considered as equally liable for the offence against public order, that peer violence incidents were not treated as violence and that due to **the excessively long duration of minor offence proceedings** the sanction imposed loses its socio-pedagogical and preventive purposes, which are very important in the treatment of juvenile perpetrators. The conditions for the **restriction of liberty** of children responsible for committing criminal or minor offences have not been brought in compliance with international documents and standards. Special correctional facilities for the detention of minors have not been established. Children are separated from adult prisoners (except in the cases when their placement with adults is in their interest, which is assessed by a physician and approved by a competent judge), but other standards prescribed for young people in conflict with law have not been attained yet. Special prison units for minors in detention facilities inspected by the staff of the Office of the Ombudsman for Children are in disrepair and unsuitable for young people; the right to privacy during personal hygiene is violated and there is no systematic and ongoing psychosocial support. Children in detention facilities do not attend classes, they do not participate and are not encouraged to participate in any work activities. The conditions for the implementation of correctional measures in the Turopolje Correctional Institution are still inadequate. The Office received complaints related to the use of force and inappropriate communication of judiciary police officers with minors. Furthermore, young people residing in this institution are isolated and outside a populated area, which is not in compliance with international standards. There is no systematic approach to resolving the issue of post-institutional placement of young people with no family support after the execution of the sanction.

2.8 SAFETY, ACCIDENTS AND HAZARDOUS ENVIRONMENT

A total of 36 complaints concerned children safety protection, involving 56 children and 15 child groups. Complaints were filed by parents or children personally in connection with traffic accidents involving children, accidents in playgrounds and playrooms, children's protection in flooded areas, dangerous and harmful effects on children caused by air pollutant emissions, hazardous materials, machinery and equipment, mines, weapons and animals, as well as in connection with the problems regarding missing children. Most of the individual complaints provided a basis for the proposal of general initiatives for the comprehensive protection of children described in the Report.

The Office of the Ombudsman for Children dealt with the issues related to **traffic hazards for children and traffic safety improvement**; the protection of children as bike riders and the announced cycling training programme, cycling exam and cycling certificate; the safety of children's car seats; irregularities in the organised transport of children; inadequate road infrastructure and hazards children are exposed to on their way to school, at bus or tram stops and elsewhere.

The Office monitored and requested competent authorities to address the issue of children's safety in **children's playgrounds and playrooms**, where they often undergo accidents with grave consequences, while, due to loopholes in the regulation, the owners of the facilities and the organisers of such activities bear no liability, and informed parents about hazards to children and the need for increased caution. The Office continued to monitor the protection of children's rights in **flood** affected areas and reiterated the recommendation to give priority to providing for families with children. In 2015, the Office monitored the activities on removing **harmful consequences of air pollution** in the areas of Sisak and Slavonski Brod (Sisak and Slavonski Brod refineries), Cerje Tuæno (Brick Factory) and Kaštel (Cemex Cement Factory); the issue of the **disposal of communal and other waste** as a cause of air pollution and a possible threat to children's health, the issue of the installation of **base stations** in the close vicin-

ity of populated areas and the harmful impact of electromagnetic field radiation, noise and chemicals emissions.

In addition to being exposed to harmful immissions, children were also exposed to hazards from **weapons, ammunition and mines and explosive materials**. There is still danger from **mines**, although mine clearing in mine suspected areas has continued on an ongoing basis. The Office also received information about the possible irregularities in the sale and storage of **pyrotechnics**. Children's public area safety was also threatened by **stray dogs** and by dogs unattended by irresponsible owners. The Office was also involved in the protection of children who, having left their homes, ended up in the street and, often left without adequate accommodation and care and therefore exposed to numerous risks. These children, registered as **missing children**, are an especially vulnerable group, being exposed to many hazards while they are "missing". The search must be prompt, efficient and operative, whether undertaken because of abduction, or because children left their homes or institutions they are placed in of their own will.

2.9 DISCRIMINATION

In 2015, the Office of the Ombudsman for Children acted on 20 complaints pursuant to the Anti-discrimination Act. The complaints were filed on behalf of children by adults and one complaint was filed by a child. In four cases the complaints were filed over discriminatory behaviour towards girls, in four cases over discriminatory behaviour towards boys, and in 12 cases over discriminatory behaviour towards a group of children. In 13 cases, the complaints were related to discrimination in educational settings, in two cases the complaints were related to discrimination in administration, in one case to discrimination in access to goods and services, in one case to discrimination in social welfare settings, in one case to discrimination in health care, while two complaints concerned general discriminatory behaviour. In seven cases discrimination was based on religion, in six cases on national origin, in four on the marital or family status, while ethnic origin, age and genetic inheritance were the cause of one complaint respectively. Six complaints were filed against natural persons, nine against legal entities with public authority, two against government administration bodies and three against local and regional government units.

3 Network of Young Advisors (NYA) — Participation of Children

The Network of Young Advisors to the Ombudsman for Children — NYA, is a standing advisory body to the Ombudsperson for Children, established in 2010. The members are appointed by the children who served the previous term, with the Ombudsperson for Children and adult advisors monitoring their work. The NYA members act as advisors and associates to the Ombudsperson for Children, but also as her ambassadors, communicating information about the work of the NYA and the Ombudsperson to their peers and taking steps to ensure that they know their rights and the ways to protect them. Acting within the scope of their role as advisors, they provide 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 these problems. In carrying out their advisory role they work closely with the Ombudsperson for Children and the adult staff members of the Office of the Ombudsman for Children, and exchange views and opinions via closed online forums. Each member of the NYA promotes and argues for his/her own point of view, acts on his/her own behalf, and in no way represents a group, his/her school or his/her town. The third NYA generation is now active, with their mandate starting in September 2014 and lasting until September 2017. The NYA network consists of 20 children and young people aged 12-18 from the whole of Croatia. In addition to online forum discussions, in 2015 the NYA members participated in expert discussions and projects related to the protection of children's rights, in Croatia and abroad, and in their own communities they actively promoted children's rights, the activities of the Office of the Ombudsman for Children and the Network of Young Advisors.

4 Specific Areas of the Protection of Children's Rights

(22) (Proposals to develop an integrated system for the protection of children's rights)

The chapter Specific Areas of the Protection of Children's Rights presents in more detail the conditions and observed problems as well as the activities and initiatives of the Ombudsperson for Children with regard to specific issues, which, in our opinion, should be additionally and separately discussed as they are either reflected on several areas of children's rights dealt with on a continuous basis or marked the work of the Ombudsman for Children in the previous year.

4.1 RIGHTS OF NATIONAL MINORITY CHILDREN

Most of the complaints received by the Office of the Ombudsman for Children and initiatives launched by the Ombudsperson were related to the exercise of rights of Roma minority children, but they also addressed the exercise of the right to education of children of Serbian and Albanian ethnic background. Most of the complaints about violations of rights of national minority children were related to educational rights of Roma minority children. The first step towards establishing an inclusive educational system is to ensure a compulsory and free two-year pre-school programme for Roma children. In addition to educational rights, the Office also acted on the complaints related to health care rights, rights in judicial proceedings and economic rights of national minority children.

4.2 RIGHTS OF CHILDREN WITH BEHAVIOURAL PROBLEMS

There is the lack of a systemic approach to the needs and rights of children with behavioural problems (BP) in the educational system. Education staff's professional competencies are deficient and expert departments understaffed, whereas the work with children with BP is deficient in expert specialisation. Appropriate education forms are not uniformly defined. The implementing regulation on interventions has not been adopted. The multi-sectoral cooperation is underdeveloped. There is an insufficient number of scientifically based prevention programmes, especially selected and indicated prevention programmes. Due to the absence of evaluation, the effects and outcomes of the programmes are often unspecified. In the social welfare system, the most vulnerable children with BP, especially girls, are placed in care. The treatment approach in children's homes is not sufficiently developed and it is unsuitable for children with grave behavioural problems combined with mental health disorders. The out-of-date approach is also connected with inadequate children's accommodation and deficient competencies of some staff members. There is also the lack of continued psychiatric care to be provided by child psychiatrists to children in care.

4.3 RIGHTS OF CHILDREN OF INCARCERATED PARENTS

In the past 10 years that the Office of the Ombudsman for Children has dealt with the protection of the rights of children of incarcerated parents, a successful cooperation with the prison system has led to advances in creating child-friendly areas for children's prison visits and in raising the prison staff's awareness of children visiting their imprisoned parents and improving their treatment of such children. All penal institutions have set special areas for children's prison visits that need to be furnished with toys and didactic material for children of various age groups; the educational development programme The Prisoner as a Parent has continued to be implemented. The Prison System Directorate of the Croatian Ministry of Justice has consolidated the recommendations of the Ombudsperson for Children into instructions for the staff of penal institutions on the treatment of children during their prison visits. However, there have been reports that instructions are not consistently obeyed in all penal institutions, especially as regards children whose parents are in detention facilities. A positive step forward has been the inclusion of the civil sector in the protection of rights and interests of children of incar-

cerated parents, with the activities of the RODA association being especially significant in this context. A successful international cooperation has continued between the Office and the network of European institutions and organisations dealing with children of prisoners Children of prisoners Europe – COPE. In order to further improve the rights and interests of children of incarcerated parents, continued efforts are required to maintain the goals achieved so far and develop and create new interventions within the prison system. The care for children whose parents are in conflict with the law, during their arrest, sentencing and upon release from prison, should be improved and children, parents and guardians should be provided support within the social welfare system and in educational institutions.

4.4 MEDIA AND THE PROTECTION OF CHILDREN'S RIGHTS

In the area of the protection of children's media rights, which includes the right to privacy, the protection from potentially harmful content and the right of access to information and participation in the media, the activities of the Ombudsperson for Children involve monitoring children-related media releases, regulations and documents concerning this area, receiving complaints about the violations of children's rights and notifying the competent authorities thereof, responding to inquiries, promoting the development of children's media literacy and creative work in the media and cooperating with the organisers of children's film festivals. The gravest violations of children's rights in this area involve the violation of children's privacy and dignity in media reports on accidents, diseases, incidents of violence and sexual exploitation. The implementation of regulations is not supervised on an ongoing basis, especially for printed media, with the result that the violations of children's privacy often escape legal consequences unless parents bring a legal suit against the media. The Ombudsperson for Children organised a workshop for journalists and editors to encourage them to comply with regulations, the code of ethics and professional guidelines when reporting on children. The Electronic Media Council (EMC) plays a significant role in the protection of children's rights in electronic media by supervising the implementation and sanctioning the breaches of regulations, although these sanctions are mostly mild. It is of the utmost importance to provide for quality media content for children, especially on public television, which is legally required to ensure such content. The obligation of the state is to continuously develop children's media literacy and provide support to this effect to parents and teachers, which the Ombudsman for Children encourages in her recommendations.

4.5 RIGHTS OF CHILDREN ON THE MOVE

The Office of the Ombudsman for Children has been monitoring the protection of children on the move, especially unaccompanied alien children, since 2013, due to conflicts in the Middle East and North Africa. In cooperation with the European Network of Ombudspersons for Children (ENOC), the Office has been promoting the protection of the rights of child refugees/migrants. The Ombudsperson for Children is a member of the Task Force on Children on the Move, which monitors the protection of these children from the moment they arrive in Europe during their journey through European countries to their final destination (the country where they seek an asylum). The Task Force on Children on the Move includes ENOC members from the Netherlands, Sweden, Flanders and Wallonia (Belgium regions), Croatia, England, Greece, Italy, Malta, Poland and Catalonia. After the migration route through the Republic of Croatia had been opened, the Ombudsperson for Children issued recommendations to the Ministry of Interior to undertake activities required for the accommodation of child migrants who were about to seek help at the Croatian border.

In 2015, the Ombudsperson for Children recommended that children should be treated sensitively and that both children accompanied by their parents and unaccompanied children should be provided assistance with the realisation of their fundamental rights and the best interest, stressing the need to appoint guardians for unaccompanied children and expressing disagreement with keeping and placing children in detention centres together with adults (in contravention with the provisions of the Convention on the Rights of the Child). It was also required that adequate accommodation conditions be ensured in accordance with international standards. The Office staff has been visiting Opatovac and Slavonski Brod transit centres since the first migrants were given shelter and accommodated in the

Republic of Croatia, thus monitoring the implementation of recommendations, that is, the activities of government ministries (the Ministry of the Interior, the Ministry of Social Policy and Youth) and humanitarian organisations on the organisation and method of providing shelter at these centres during short-term stays.

4.6 THE BEST INTEREST OF THE CHILD (CRONSEE Annual Conference and Thematic Meeting)

The Ombudsperson for Children of the Republic of Croatia in 2015 acted as a coordinator of the work of the Children's Rights Ombudspersons' Network in South and Eastern Europe – CRONSEE. The activities included the organisation, on 28 May 2015 in Zagreb, of the CRONSEE Annual Conference: The Rights of the Child – between the Interests of the Parents and the Obligations of the State. The Conference was attended by CRONSEE network members, foreign and domestic lecturers and other participants. In the second part of the year, on 28 October 2015, the CRONSEE Thematic Meeting: The Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure – the Role of the Ombudsman for Children, was organised in Osijek, the main topic being the Third Optional Protocol to the Convention on the Rights of the Child and the new possibilities for the protection of the rights of the child provided for in the Protocol, as well as the then current migrant crisis and the experiences of ombudspersons for children with regard to this matter. These activities were summed up in a publication of the Office of the Ombudsman for Children: Protecting the Best Interests of the Child – Proceedings of the Annual Conference and Thematic Meeting of the Children's Rights Ombudspersons' Network in South and Eastern Europe, published with the support from Save the Children.

The Report presents the conclusions of the Conference and of the Thematic Meeting as joint views of ombudspersons for children in South and Eastern Europe on the protection of the best interest of the child. The complete conclusions were published in the proceedings Protecting the Best Interest of the Child, available at www.dijete.hr.

4.7 COUNCIL OF EUROPE STRATEGY FOR THE RIGHTS OF THE CHILD (2016 – 2021)

The Council of Europe Strategy for the Rights of the Child 2016 – 2021 was finalised in 2015. The Ombudsperson for Children and her deputy participated in the work of the Committee of Experts on the Council of Europe Strategy for the Rights of the Child. The Strategy comprises five priority areas, including, for the first time and on the proposal of Croatia's Ombudsperson for Children, including children of imprisoned parents, in the part related to challenges to children's rights in the chapter Poverty, Inequality and Exclusion. The Strategy will be launched at a high level conference of the Council of Europe in Sofia in April 2016.

5 Recommendations of the Ombudsperson for Children

The Ombudsperson for Children is authorised to issue warnings, proposals and recommendations. The recommendations issued to institutions, bodies and persons point to the need to raise the level of protection of children's rights and interests. In 2015, the Office of the Ombudsperson for Children issued numerous recommendations on the protection of the rights of individual children or recommendations on specific cases, while also issuing 70 general recommendations, warnings, proposals and opinions to competent authorities with a view to promoting the protection of a large group of children in the Republic of Croatia. The comprehensive Report includes all these recommendations, classified by the following topics: Education (34), Health Care (7), Justice (7), Children's Safety (6), Protection of Especially Vulnerable Child Groups (6), Protection from Discrimination (2), Media (2) Social Welfare (1), Sport (1), Protection of Children's Property Rights (1) and Other Topics (3).

6 Legislative activities

Pursuant to the provisions of the Law on the Ombudsman for Children, the Ombudsperson for Children may participate in the drafting of the proposals of regulations on children's rights or those governing the issues important for children. In 2015, the Office of the Ombudsman for Children submitted opinions on a total of 25 regulations and documents while participating in the work of Parliamentary committees, initiating amendments to regulations and giving opinions and proposals in the public debate, at the request of competent authorities or at its own initiative. The Office commented on and issued an opinion with regard to a strategic document (Action Plan for the Implementation of the National Strategy for the Rights of the Child in the Republic of Croatia 2014 – 2020, for the period from 2014 to 2016) and regulatory proposals on the following topics: Family Law Protection, Education, Justice, Protection from Violence, Social Welfare, Children's Status Rights, Health Care, Protection of Vulnerable Child Groups, Economic Rights, Media, Sport and Other Topics.

(25)

7 Research activities

The Report presents in brief three research surveys carried out by the Office of the Ombudsman for Children – two with children and one related to children and young people in homes for children without appropriate parental care. Peer research on children's participation in the school setting was conducted in 2013 within an EU project carried out in partnership with the Office and the release of the findings was approved in 2015. The research was carried out by NYA members on 214 primary and secondary school students. The findings indicate that most children consider their participation satisfactory, although they think that their opinion is not sufficiently taken into consideration at school.

The other research conducted with children regarded the opinion of children with DD on secondary school education. Focus groups comprising 52 students were selected in six educational centres. As shown by the findings, children with DD consider it necessary to change secondary school curriculum and practical training, improve the appropriateness of educational programmes and the participation of students in the decision-making process.

As part of the monitoring of the deinstitutionalisation and transformation of homes for children without appropriate parental care, the Office of the Ombudsman for Children has for five years been analysing the coverage of children and young people placed and residing in homes for children without appropriate parental care. The total number of children and young people placed in homes decreased from the previous year. The deinstitutionalisation process has been slow; however, against a background of a shortage of foster families, preparatory activities, expert support and monitoring as well as of specialised foster families, the slow pace of this process is actually beneficial.

8 Inspection tours of child care institutions and other institutional settings

In accordance with the powers granted by law and the right to access child care institutions and inspect the quality of care provided to children residing in these institutions or to those temporarily or permanently placed with natural and legal persons and other legal entities pursuant to special regulations, in 2015 the Ombudsperson for Children and her deputies and advisors inspected 78 institutions and locations: 10 social welfare institutions, four shelters for women and children victims of violence, two migrant reception centres, 42 educational institutions, seven health care institutions, two therapeutic communities, two child playrooms, four penal institutions, one association providing aid to the needy and improving children's quality of life, two Roma settlements, one foster family and one child care facility. The comprehensive Report presents in more detail observations on the protection of

rights and well-being of children in these institutions, an evaluation of their conditions and the recommendations for possible improvements.

(26) 9 Other activities related to the protection and promotion of children's rights

In 2015, the Ombudsperson for Children and her team organised or participated in the organisation of 11 expert panel discussions and conferences, including two international conferences, thematic working meetings and other manifestations dedicated to the protection of children's rights. They held a total of 71 lectures at conferences in Croatia on various topics and on the activities of the Ombudsperson for Children. In a large number of areas they cooperated with institutions, ombudsman offices, civil society organisations and other organisations. A total of 20 contributions were published in proceedings, manuals, magazines and other publications. Several publications were published, primarily including *Protecting the Best Interest of the Child – the Proceedings from the Annual Conference and Thematic Meeting of the Children's Rights Ombudspersons' Network in South and Eastern Europe* (Milas Klarić, I. and Radmilo, E., editors) and the manual *Children of Imprisoned Parents – European Perspectives on Good Practice* (Gabelica Šupljika, M., editor of the Croatian edition, Philbrick, K., Ayre, L. and Lynn, H., editors of the English edition), for the first time translated into Croatian and published in Croatia. A calendar for 2016: *I Know and I Respect Children's Rights* was also published, in cooperation with the students and teachers of the Split Arts Academy, and a leaflet on the protection of beggar children.

10 Meeting, Interviewing and Cooperating with Children

An important area of activities of the Office of the Ombudsman for Children includes meetings, talks and collaboration with children that the Ombudsperson for Children and her associates meet in educational institutions, during inspections of health care institutions, in students hostels and homes for children without adequate parental care as well as in institutions for children with behavioural problems. The opening of the Little House of Children's Rights on the premises of the Office of the Ombudsman for Children, which is adapted for group work with children and children workshops, is an important step forward for cooperating with children. This part of the Report describes meetings with children in the central office in Zagreb and in the regional offices in Osijek, Rijeka and Split (10) and at events organised by other entities (15). On the occasion of marking the International Day of the Rights of the Child, the Ombudsperson for Children opened, together with children, an exhibition of students' artwork *I Know and I respect Children's Rights*, organised in cooperation with the students of the Split Arts Academy. The Little House of Children's Rights is also a place where intensive work with the members of the Network of Young Advisors (NYA) is carried out.

11 International Cooperation

International cooperation, presented in the comprehensive Report, comprises the cooperation with international organisations and bodies and organisational networks, the most important being the European Network of Ombudspersons for Children (ENOC), the Children's Rights Ombudspersons' Network in South and Eastern Europe (CRONSEE), Children of Prisoners Europe (COPE), Eurochild, the Council of Europe, the European Commission, the European Parliament and the UN Committee for the Rights of the Child. The Office of the Ombudsman for Children has bilateral cooperation with the rep-

representatives of international organisations and institutions, independent experts, embassies and other representatives of the Republic of Croatia abroad, and its staff participate in international conferences, some organised by the Office. The Office has an ongoing cooperation with the UNICEF Office for Croatia. In 2015, the Ombudsperson for Children acted as a coordinator of the work of the CRON-SEE network and organised two international conferences, in Zagreb and Osijek, which resulted in the publication *Protecting the Best Interest of the Child*. The Ombudsperson for Children of the Republic of Croatia will host the next conference of the COPE (Children of Prisoners Europe) network and accompanying events, to be held in Zagreb, from 20 – 22 May 2016. Together with the members of the Network of Young Advisors (NYA), the Office participated in the ENOC project: *Let's Talk Young, Let's Talk About Violence!*, and in the Youth Meeting *Enter! Youth Meeting 2015* in Strasbourg, organised by the Council of Europe.

12 Other Activities of Regional Offices and the Central Office

In addition to the main Office of the Ombudsman for Children situated in Zagreb, there are regional offices in operation in Split, Rijeka and Osijek. This is in compliance with the Recommendation of the UN Committee on the Rights of the Child to improve the Office's accessibility for adults and children and the efficiency of operation of the advisors in regional offices in their respective counties (inspections of institutions and child residential facilities) and to establish a more direct contact with local and regional government units. An overview of the activities carried out by all offices is given in the comprehensive Report, in addition to a breakdown of the number and type of individual violations of children's rights by counties.

13 Organisational Structure and Finances

The Law on the Ombudsman for Children, the Rules of Operation of the Ombudsman for Children and the Ordinance on the Internal Organisation of the Office of the Ombudsman for Children lay down the scope of operation, the organisational structure and the number of civil servants required for the operation of the Office of the Ombudsman for Children. The Office comprises the Expert Services Department and the General Services Department. It employs, in addition to the Ombudsperson for Children and two Deputies, 16 civil servants, out of the 23 initially required. The Zagreb Office employs a staff of ten people, while the offices in Split, Rijeka and Osijek employ a staff of two people each. Out of 16 staff members, 12 provide expert advisory services and four provide administrative and technical support services. The regional offices do not employ administrative and technical support staff. Although the Office has fewer staff members than required, there were no new hirings in 2015. The Office of the Ombudsman for Children carries out its tasks at four locations: in Zagreb (Nikola Tesla Street No. 10), in Osijek (Petar Preradović Boulevard No. 7), in Split (Kaliterna Brothers Street No. 10) and in Rijeka (No.2 Trpimir Street). The business premises in Zagreb, Osijek and Split are owned by the Republic of Croatia and made available for use by the Office. The Little House of Children's Rights, situated on the ground floor of the Zagreb Office building, is an area wherein activities with children and volunteers (pupils and students), meetings with children and the work of the Network of Young Advisors are carried out.

In accordance with the 2015 – 2017 Strategic Plan and the 2015 Work Plan and Programme, the budget of the Office of the Ombudsman for Children was HRK 4,996,000. The budget execution rate was 95.10% (HRK 4,751,345.67). The budget execution rate was slightly lower than in 2014 due to savings made this year. Revenues planned for the financing of operating expenditures, Activity A739000 Protection, Monitoring and Promotion of Children's Rights were in 2015 realised at a rate of 94.94% (HRK 4,542,592.72) and revenues planned for the financing of expenditures for the acquisition of non-financial assets, K739001 Office Informatisation and K739003 Car Fleet Renewal were

realised at a rate of 99.91% (HRK 148,533.78). Revenues planned for the financing of the current project T739009 Organisation of the CRONSEE Annual Conference in 2015 were realised at a rate of 96.45% (HRK 60,219.17).

(28) *Office of the Ombudsman for Children budget plan and execution 2010 - 2015*

	Budget 2008	Budget 2009	Budget 2010	Budget 2011	Budget 2012	Budget 2013	Budget 2014	Budget 2015
Plan	5,573,000	5,714,232	6,209,680	5,728,930	5,312,000	5,330,888	4,996,538	4,996,000
Execution	5,287,665	5,684,842	6,130,709	5,406,902	5,199,834	5,180,206	4,870,250	4,751,346
Execution rate, in %	94.88	99.49	98.73	94.38	97.89	97.17	97.47	95.10

A comparison of the State Budget plan and execution data in 2015 and in the previous year shows that the amount of funds planned for the operation of the Office of the Ombudsman for Children in 2015 was almost the same as in 2014. During the year, the Office successfully collaborated with the Ministry of Finance and the State Treasury in the well-timed and planned usage of budget funds. A budget revision was approved on the basis of the estimated dynamics and Office programme activities, which enabled the Office to increase the scope of designated activities. The Annual Financial Statements of the Office of the Ombudsman for Children for 2015 were compiled within the prescribed legal deadline and submitted to the State Audit Office and the Financial Agency.

14 Conclusion

The public often lacks relevant and data-based information on the condition of children's rights in the Republic of Croatia. It is generally assumed that our wish is for the generations of children to be entitled to the highest level of rights, as provided for in the Convention on the Rights of the Child and other international treaties ratified by the Republic of Croatia. It needs to be emphasised that this goal is not only to be desired, but that it is also the issue of assumed obligations.

The role of the Ombudsman for Children, as the national authority for the protection of human rights, is to monitor, independently and autonomously, the compliance of regulations with the Constitution of the Republic of Croatia, the Convention on the Rights of the Child and other relevant international treaties. The tasks of the Ombudsman is to monitor individual violations of rights, as well as to examine general violations of rights, types of violations and the system's responses to these violations. The Ombudsman acts retroactively, after the occurrence of violations, and proactively, by promoting and advocating children's rights, with an aim to prevent the occurrence of violations. In this context, the Ombudsman for Children receives the most valued insights and the most useful information from direct contacts with children. The cooperation with institutions and the control of their work, at the local and regional levels, the cooperation with civil society organisations, the academia and professional organisations, provides a more detailed picture of the condition of the legislation, the implementation and awareness of children's rights.

The Ombudsman for Children may, while monitoring the condition of children's rights at all levels, conclude that in a specific segment conditions are relatively favourable or that progress has been made. However, as expected, the Ombudsman more often points to irregularities and the needs for improvement of the system, at all levels. This implies ongoing improvements in the legislative framework and its consistent implementation, ensuring financial and personnel preconditions for a quality implementation, investing in people and their continuous and comprehensive education. Finally, it is often mentioned that social views and attitudes, the so-called "awareness" should be changed, which requires time and patience. However, this should not be an excuse for abandoning the level of protection of human/children's rights attained or guaranteed by international treaties.

It needs to be emphasised that the Ombudsman, although often critically inclined towards the work of some segments of the system or individuals, is not in favour of the parallel decision-making, based

on particular interests or of “the street” deciding instead of competent authorities. The decision-making of competent bodies should have a priority in a democratic society and this goal is achieved by strengthening institutions, empowering experts and restoring dignity to the profession. Individual commitment and individual responsibility of people within specific professions, with the support of the system, forms the basis for progress in the area of protection of children’s rights.

The four fundamental principles of the Convention on the Rights of the Child – non-discrimination, the best interest of the child, the right to life and development and children’s participation – are of key importance in this context. Each of these principles apply to every child, but also, which should be stressed as it is sometimes forgotten, all of them together.

Therefore, the Report combines a work report of the Office of the Ombudsman for Children, and an assessment of the condition of children’s rights from the Ombudsman’s perspective, based on data collected from complaints about violations of children’s rights and cooperation with almost all stakeholders in the society. In addition to its main purpose prescribed by law, that is, reporting to the Croatian Parliament, the Report is meant to serve as a permanent base and source of relevant and useful data for various stakeholders in the society, media, experts and the general public, and, in particular, a useful aid for children/young people in understanding children’s rights.

In conclusion, listed here are the areas in which children’s rights are most often violated, as indicated by the complaints submitted to the Office of the Ombudsman for Children in 2015, and which for that reason require the most intensive activities by all stakeholders in these areas. These are the following areas:

- children’s right to live with parents and enjoy parental care (382 complaints);
- educational rights (239 complaints);
- health care rights (184 complaints), most of which were related to parents’ refusal to have their children vaccinated;
- violence against children and peer violence (178).

The areas in which children’s rights are most often violated or to which most of the complaints were related (as violations also occur in the areas where the number of complaints is not significant, such as the children’s right to participation, but which are also very important) give an indication of priority areas for activities of various stakeholders in the system, including the activities of the Ombudsman for Children.

These areas require monitoring and ongoing improvements of the legislative framework, strict and consistent implementation of regulations and the provision of ongoing education and support to all professionals in the system. Finally, in addition to the above-stated, the “change of awareness”, which is to be achieved by the promotion of human/children’s rights is also necessary. It should be kept in mind that children are not objects put at disposal of others or subject to the decisions of others – parents, guardians or institutions. Children are subjects of rights, they have their needs and rights, which they are entitled to express. It is the role of us adults to recognise and protect these rights.



Network of Young Advisors to the Ombudsman for Children – NYA

Let us give children a stronger voice in the society!