

Name of the member institution :

**The Ombudsperson for Children of the Republic of Croatia**

Current Ombudsperson:

**Mrs. Mila Jelavić**

## I. Role and structural organization

- Legal framework

The Ombudsperson for Children of the Republic of Croatia is established through the Law on Ombudsperson for Children that was approved by Croatian Parliament in 2003. The Article 3 of the Law provides that the Ombudsman acts independently and autonomously and that no one is allowed to instruct him/her or give orders.

- Principal functions as defined by law

Article 2 stipulates that the Ombudsman for Children protects monitors and promotes the rights and interests of children on the basis of the Constitution of the Republic of Croatia, international treaties and laws.

- The Ombudsman ensuring that the view of the children are reflected in proposals, reports, responses, research and strategies
- Raising awareness of child rights among children and adults
- Ensuring that children have effective protection when their rights are violated
- Influencing policy makers and practitioners to take greater account of the rights for children
- Informs the public on the state of the children's rights

There are no provisions in the legislation which limit the institution's ability to set its own agenda or prevent it from carrying functions suggested in the Paris Principles and ENOC standards.

- Structural organization

The Ombudsperson for Children, two Deputy Ombudsman and 16 other civil servants in permanent positions.

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

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

- Scope of competence of the Ombudsperson in handling individual complaints

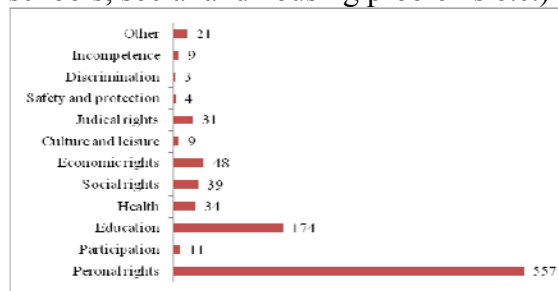
According to the Law we are entitled to monitor the violation of individual rights of children. Ombudsperson informs and advises children on the manner of the realization and protection of their rights and interests. While performing the activities from the scope of her competence, the Ombudsperson is authorized to warn, give proposals and give recommendations. She is also authorized to propose the realization of the measures intended for the prevention of the harmful activities jeopardizing the rights and interests of children to the competent state administration bodies, local and regional administration bodies, and to the corporation and natural persons, and to demand the reports on performed measures. They have the obligation to cooperate with the Ombudsman for Children and submit reports upon her demand, and give answers to her inquiries. State administration bodies, local and regional administration units, as well as corporation and natural persons, have the obligation to report immediately, latest

within 15 days period, to the Ombudsman for Children on performed activities concerning her warning, proposal or recommendation. Should all the bodies and corporation persons specified above fail to act in accordance with his/her demand within prescribed period of time, the Ombudsman for Children will inform the body in charge of monitoring their work about it. If the body, in charge of monitoring fail to report within 8 days period about identified facts and performed measures, the Ombudsman for Children will inform the Government of the Republic of Croatia about it. All state administration bodies, local and regional administration units, and corporation and natural persons have the obligation to provide to the Ombudsman for Children the accessibility and insight into all data, information and files concerned with the rights and protection of children, disregarding their level of secrecy. We are entitled to the right of entering the premises and of getting the insight into the manner of the performance of care for children who are placed or are temporarily, i.e. permanently accommodated with natural and corporation persons and other legal entities on the basis of specific regulations.

If the Ombudsman for Children, during the performance of his/her duties, find out that a child is being subject to physical or mental violence, sexual abuse, maltreatment or exploitation, negligence or careless treatment, he/she will immediately lodge a report about it to the competent General Attorney Office, and warn competent center for social welfare and suggest the measures for the protection of the rights and interests of the child.

The Ombudsman for Children cannot be called to account, put into custody or be punished for the expression of an opinion or performed activities within the competence of his/her work, except in case the Ombudsman for Children commits the violation of law which in its extent equals to a criminal offence.

- Please provide relevant statistics (if available) on:
  - Number of **new** cases for the year 2008-2009 or for a given period in between  
From 1<sup>st</sup> October 2008 till 1<sup>st</sup> September 2009 we received 940 new individual complaints
  - Complaints' main authors; what is the percentage of complaints initiated by children;  
Parents are main complaint's author (66%), and 2% of complaints were initiated by children
  - Age average of concerned children  
Complaints concerned children of all ages.
  - Complaints related to which situations (ex: situations relating to schools, social and housing problems etc.)



- Number of officers dealing with individual complaints (in full time work equivalent of)

All advisors of the Ombudsperson are dealing with individual complaints, but in full time work equivalent of that would be 10 officers.

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

In this period, the Ombudsperson for Children made a large number of general opinions and recommendations to the competent ministries, units of local and regional self-government and legal persons. Most recommendations (18) dealt with various issues in the area of education and were addressed to the competent ministry.

Several recommendations (8) related to the area of child protection, including the protection and promotion of mental health. In addition to these, the Ombudsperson also made recommendations relating to protection under family law, protection from violence, protection of children whose parents are in prison, protection of children from inappropriate advertising, protection of children with behavioural problems, children with developmental difficulties and children belonging to national minorities, protection of children in traffic, enabling children to exercise their right to adequate conditions for spending their leisure time, and protection of children subject to economic exploitation.

In response to the current economic crisis, the Ombudsperson has recently invited the Government to adopt measures to protect the most vulnerable groups of children and to ensure that anti-crisis measures do not have adverse effects on their welfare.

| Participating in the procedure for drafting legislative proposals | Giving opinions and proposals | Participating in the work of working groups charged with drafting legislative proposals | Initiatives for adopting and amending laws and regulations | Strategies, plans | Topical sessions of parliamentary committees | Total     |
|---|-------------------------------|---|--|-------------------|--|-----------|
| Status-related rights   | 1                             | 1   | 1  |                   |  | 3         |
| Anti-discrimination   | 1                             |   |  |                   |  | 1         |
| Alignment with EU regulations                                     |                               |   |  | 1                 |  | 1         |
| Protection under family law                                       |                               |   | 1  |                   |  | 1         |
| Protection from violence  | 1                             |   |  | 1                 |  | 2         |
| Judicial protection   | 11                            | 4   | 1  |                   |  | 16        |
| Economic protection   | 2                             |   |  |                   |  | 2         |
| Social protection   |                               |   |  |                   | 1  | 1         |
| Education   | 3                             |   |  |                   |  | 3         |
| Sport   | 1                             |   |  |                   |  | 1         |
| Transport   | 1                             |   |  |                   |  | 1         |
| The media   | 2                             |   |  |                   |  | 2         |
| Children with challenging behaviour                               |                               |   |  |                   | 1  | 1         |
| <b>Total</b>  | <b>23</b>                     | <b>5</b>  | <b>3</b>   | <b>2</b>          | <b>2</b>                                     | <b>35</b> |

#### IV. Communication, Promotion and Publications

- Co-operation with the media

In the period September 2008-September 2009, the Office of the Ombudsperson for Children has had extensive daily contacts with the media, often on their initiative. Journalists are most often interested in the Ombudsperson's specific activities undertaken in relation to individual cases of violations of children's rights. They often ask the Ombudsperson to comment on particular phenomena in society which, in their opinion, might involve violations of children's rights, and seek interpretation and assessment of certain legislative provisions relating to children's rights.

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

- Promotion

The Office of the Ombudsperson promotes its activities most frequently by issuing communications, and through the Ombudsperson's media appearances, as well as through expert debates and other meetings, papers published in professional journals intended for professionals working with children and by organising meetings with children in our Office and, more often, in schools, children's homes, children's hospital wards and in organisations and associations which bring children together. During our meetings with children we try to present the activities of the Office of the Ombudsperson for Children in a suitable manner and, by handing out posters, bookmarks, pocket calendars, memory cards and booklets containing the text of the Convention on the Rights of the Child (including its child-friendly version), we wish to promote children's rights and our institution.

- Publications

In the past year, the Office has published two collections of presentations made during expert discussion meetings organised by the Office of the Ombudsperson for Children. These are: "Database of Sexual Offenders against Children" and "Protecting Children's Privacy in the Media". A Croatian-English publication entitled "Evaluation of the Institution of the Ombudsperson for Children" has also been published, as a result of external evaluation of the work of the Ombudsperson for Children in the first five years of its existence in Croatia.

#### V. Research, investigation, studies

Five years after the entry into force of the Ombudsperson for Children Act and the establishment of the Office, we have thought it necessary to evaluate and appraise its work in relation to legislation, competence, means of reporting, authority and effective independence, accompanied by an assessment of effectiveness achieved at the individual and general levels, possible changes in society achieved during this period, and recommendations for future activities or potential areas for improvement in regulations and in practice. In addition, we thought it extremely important, within this external evaluation project, to also review the assessments and opinions of experts within the Office on their own work, in terms of methods of working and achieving the desired goals.

Since this involves, among other things, the implementation of international standards in the area of human rights and children's rights, particularly the Paris Principles on independent national institutions and the UN Convention on the

Rights of the Child, we thought the evaluators should be experts from Croatia and abroad, representing UNICEF, the UN Committee on the Rights of the Child, and experts from the fields of psychology and constitutional and family law.

The sources we suggested as a basis for forming assessments were, among others, the Convention on the Rights of the Child and the opinions and recommendations of the Committee on the Rights of the Child, the Paris Principles on the work of independent national institutions, the Constitution of the Republic of Croatia, the Ombudsperson for Children Act, other international documents, laws and subordinate regulations, the Reports on the Work of the Ombudsperson for Children 2003 – 2007, the Plan of Work of the Ombudsperson for Children 2004 – 2007, the archives of the Office of the Ombudsperson for Children, media articles, correspondence with individuals and representatives of competent institutions, according to the experts' selection, and others.

We asked the experts to provide answers to the following questions:

1. Have the principles prescribed in the Convention on the Rights of the Child and emphasised in the opinions and recommendations of the Committee on the Rights of the Child been accomplished by the adoption of the Ombudsperson for Children Act and the activities of the Office?
2. Is the Ombudsperson for Children Act aligned with international standards in the area of independent national institutions and children's rights?
3. Is the Office of the Ombudsperson for Children *de facto* and *de iure* independent in its work? What is the relationship of the institution of the Ombudsperson for Children with other bodies of public authority, legal and natural persons, pursuant to the Ombudsperson for Children Act?
4. How effective is the Ombudsperson for Children, at the individual and general levels? How successful is the Office in protecting and promoting children's rights? What is the relationship between reactive and pro-active procedures?

Since the experts with whom we consulted had strengths in different, specific fields, each of them answered one or two of these questions relating to their area of expertise, for the period from the establishment of the Office to the present day.

During the past few years, there has been hardly a single social situation in which children have been involved, even indirectly, and in which the actions or opinions of the Office have not been sought, or in which the Office has not acted, whether at the individual level or in general.

Apart from helping us clarify and confirm the present social status of the Office of the Ombudsperson for Children and its "strengths" in protecting children, their recommendations and suggestions will act as guidelines for our future work, decisions and considerations, in many aspects of our work. We hope and anticipate that they will also serve the decision-makers, thus indirectly or directly affecting the way childhood is experienced in the Republic of Croatia.

## VI. Other activities

We have created an internal plan entitled "Strategy on Child Participation in the Office of the Ombudsperson for Children". The aim of the Strategy is to improve communication between children and the Ombudsperson, enhance the participation of children in society and allow them to have a say in decisions that affect them. The first step in the realisation of this project was a consultation meeting with twelve children, students of elementary and high schools in Čakovec, Osijek, Rijeka, Split and Zagreb. The children gave their opinions about the

proposed Strategy on Child Participation. They were also invited to assess individual elements of the Strategy, make proposals on the best way to arrange communication between the Ombudsperson and children, surveying their opinions, identifying the topics on which they should be consulted and on which the Office of the Ombudsperson should, in their opinion, work more, and informing children about their rights.

An important part of the Strategy is the creation of an advisory network for the Ombudsperson for Children, whose members would be children from all parts of Croatia, who could provide the Ombudsperson with first-hand information on what they think of particular problems affecting children and young people in specific areas, give opinions and launch initiatives on possible solutions to these problems, propose activities, etc. The children's opinions and proposals have been built into the Strategy on Child Participation.

A topic of special interest to the Office of the Ombudsperson for Children was the organisation of practical training, apprenticeship and exercises in vocational schools. In order to gain a better insight into children's attitudes and opinions on this topic, we organised a meeting with ten boys and girls attending various vocational schools in Zagreb, with whom we discussed the level of their satisfaction with the quality of vocational programmes, how they think the organisation of work in their schools affects their workload, in view of the fact that their classes and practical training are organised in parallel, whether they have enough time left for studying and enough free time for hobbies and going out. After this meeting with the children, in November 2008 an expert debate was organised in Osijek on the topic, "The rights of vocational schools students – protection from economic exploitation".

In a desire to encourage child participation, we have invited and included students from the High School for Applied Arts and Design in Zagreb in creating a visual identity for material to be published by the Office of the Ombudsperson for Children, through which a message of non-violence will be sent out on the occasion of the World Day for Prevention of Child Abuse. We believe that these students will prove to be creative partners in preventing violence and producing material, posters and leaflets which will focus mainly on the prevention of violence.

The Office of the Ombudsperson for Children of the Republic of Croatia hosted Annual Conference of the Children's Rights Ombudspersons Network in South and Eastern Europe "Children and Disputed Divorces - Access for Children to National, International and European Justice" in Dubrovnik, on 19 and 20 May 2009. The Conference gathered about eighty participants from twenty European countries.

Representatives of CRONSEE formally signed a Memorandum of Collaboration which defines the principles of their mutual collaboration.

During the Conference the ENOC advisor, Peter Newell and the chairperson of the Committee on the Rights of the Child, Yanghee Lee invited the members of CRONSEE to join the initiative to adopt a new Optional Protocol to the Convention on the Rights of the Child. They pointed out that this is a mechanism which enables and affirms access by children to international justice, and in this way the position of children will be strengthened in relation to their access to national justice in many countries. The participants of the Conference supported this idea as one more contribution to empowering children as subjects and holders of rights. ENOC has already supported this initiative, and in Dubrovnik on 20 May 2009 they were joined by the members of CRONSEE.