

Children on Hold

Children's Rights at the Time of the Pandemic 2020-2021



Annex to the Report on the
Work of the Ombudsman for
Children for 2021

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CONTENTS

1. INTRODUCTION	4
2. EDUCATION	6
2.1 Education of children with disabilities	10
3. HEALTH	11
4. PRIVACY	14
5. FAMILY LAW PROTECTION	15
6. VIOLENCE	16
6.1 Domestic violence	16
6.2 Violence against children in educational and other institutions	17
7. THE JUDICIARY	18
7.1 Protection of rights of children in conflict with law and deprived of freedom	18
8. CULTURAL RIGHTS AND LEISURE	19
9. SPORTS	20
10. SAFETY	21
11. PROPERTY RIGHTS	22
12. SOCIAL AND ECONOMIC RIGHTS	22
13. MEDIA AND RIGHTS OF CHILDREN IN THE DIGITAL ENVIRONMENT	23
14. VULNERABLE GROUPS	24
14.1 Rights of children with disabilities	24
14.2 Rights of national minority children	25
14.3 Rights of children with behavioural problems	26
14.4 Rights of children of incarcerated parents	26
14.5 Rights of migrant children	27
15. CHILD PARTICIPATION	27
16. CONCLUSION	28

INTRODUCTION



During the pandemic, children, as patient beneficiaries of social services, were 'put on hold'. They waited for information when their schools and kindergartens were going to reopen and under what conditions, they waited for internet access and computers to arrive to their homes so that they can follow online classes, they waited for check-ups and therapies, waited for parents to visit them in hospitals and children's homes, waited for help and protection from domestic violence, they waited to be able to see their friends ... Despite the overwhelming impact of the pandemic on children's lives they are still waiting for the opportunity to be included in discussions on policies and decisions relating to the pandemic.

The development of any human being is most intensive during childhood so when the needs of children are 'put on hold' this will bear long-term consequences, and the trends are already visible. Growing obesity, lack of physical activity, anxiety and depression are only some of the trends already demanding an urgent response.

The transfer to online classes, as a different system of learning, created difficulties for children, parents and educational workers. Children had to face numerous challenges, such as isolation from their peers, lack of support and help in learning at home, lack of adequate technology, heterogeneity in the manner and methods that online classes were taught and the lack of leisure activities. Educational workers were required to master new technologies and ways of encouraging their students to participate in a virtual environment. Parents faced the challenge of harmonising their workplace obligations and care for their children and providing them help in distance learning.

Digital platforms and distance learning programmes on TV were not adequately adapted for children with disabilities nor for children of minority groups, especially Roma minority children. There was a period when children with disabilities were left without schools and kindergartens, and other services provided to them in specialised institutions, but also without friends. The coronavirus crisis has proved that there is no alternative to the direct work of experts with children with disabilities.

Children hospitalised during the lockdown were almost completely separated from their families at the time when they needed their parents and their parent's warmth and comfort the most. Experts warned about the negative consequences of the lockdown on children living in families exposed to risk of domestic violence and abuse. Research on the consequences of the coronavirus crisis on children has additionally indicated that care for the mental health of children has become one of the issues that requires greater social investments.

When coronavirus containment measures were imposed, in addition to unclarity and sense of inconsistency citizens were faced with a sense of injustice due to the different treatment of various public and private situations with regard to the imposed restrictions. In addition, measures were adopted without assessment of how they would affect children, especially children from vulnerable groups. There was also no evaluation by the Civil Protection Headquarters of the Republic of Croatia and government bodies after measures were adopted of how they affected children.

In addition to numerous difficulties, crises and deterioration in the wellbeing of the society as a whole, children included, the pandemic has led to wide and worrying divides in the society. Unfortunately, many tried to use children in promoting their views both when completely negating the need for pandemic containment measures and drastically opposing vaccination against COVID-19, as well as when spreading disinformation about the detrimental effects of vaccination. This was especially evident in 2021. How to protect children of parents who clearly oppose all pandemic containment measures and vaccination is a great challenge. In the public addresses the Ombudsperson for Children has strived to appeal to parents to behave responsibly and not make it difficult for their children to function in systems that need to adhere to certain rules for the purpose of protecting the safety and health of children.

Extraordinary situations cannot be an excuse to postpone children's rights and needs. To the contrary, they should provide an even greater impetus to us as a society to seek solutions that will put children's wellbeing first. These solutions span over more than one or two fields of expertise and require cooperation and trans-disciplinary approach to be fostered in adopting decisions and public policies. We should start working towards this goal today because developmental needs and children's issues can no longer be 'put on hold'.

Ombudsperson for Children
Helenca Pirnat Dragičević, LLB

Immediately after the outbreak of the COVID-19 pandemic was declared, the **United Nations Committee on the Rights of the Child** warned against possible negative impacts on children that could make the exercise of their rights difficult amid the implementation of extraordinary measures aimed at preventing the spread of the disease. It urged all states to award special attention to the protection of children under such circumstances and to award additional attention to children from sensitive or vulnerable groups that are even in normal circumstances exposed to greater risk of their rights being violated.

In June 2021, the **European Network of Ombudspersons for Children (ENOC)** presented the most important indicators and results of the research on the impact of emergency measures introduced in response to the COVID-19 pandemic on children's rights. It was established that in most states emergency measures negatively impacted children's rights in the segments of education, play and leisure time, mental health, physical health, adequate standard of living, protection from violence, discrimination, protection of civil rights and freedoms and other segments of implementation of general measures. It was established that children were insufficiently included in the adoption of decisions on emergency measures relating to them. The pandemic underlined inequality among children, especially impacting some groups of children.

In its 2021 Position Statement **COVID-19: Learning for the future¹**, ENOC especially stressed the importance of the following five principles:

- embedding children's rights: children's rights should inform all decisions and actions;
- equality and non-discrimination to children: children deserve to be treated equally and should not be adversely discriminated against on any grounds, at any time;
- empowering the child: **children should be supported to exercise all of their rights, including through the provision of information, resources and opportunities;**
- participation of children in decision making: children's views must be heard and given due weight in any decision-making process that directly or indirectly affects them;
- accountability to children: governments, public authorities and private sector organisations should be accountable to children for any decisions and actions which affect their rights.

¹ Position Statement on COVID-19: *Learning for the future*, adopted by the ENOC 25th General Assembly, on 29 September 2021, translation into Croatian available at <https://dijete.hr/hr/dokumenti/medunarodni-dokumenti/enoc-europska-mreza-pravobranitelj-a-za-djecu/>.

EDUCATION

2.

Since the second half of the school year 2019/2020 to date the educational system has faced numerous challenges caused by the COVID-19 pandemic in striving to ensure the uninterrupted realisation of all the necessary tasks of education in accordance with children's needs while protecting their health and wellbeing.

The Office has noticed that certain problems that normally reflect the inequality in educational conditions of children in primary and secondary school system, became even more exacerbated with the outbreak of the COVID-19 pandemic, especially when it comes to vulnerable groups of children.

In searching for the best models and creating new practice, the Ministry of Science and Education, schools, teachers and expert services have strived to provide all the necessary information to parents and children, among other means on the website of the Ministry. All services monitored the situation and strived to adapt their instructions to the current epidemiological situation. However, in certain situations, the Office was contacted by schools representatives who were not consulted on time or received clear guidelines, for instance on how to ensure the necessary conditions and organise classes, how to evaluate children's work under different conditions and how to proceed in relation to vulnerable groups among staff and students. The Office has therefore alerted the Ministry several times regarding the need for timely and comprehensive information being provided to all stakeholders in the educational process.

Parents contacted the Ombudsperson, waiting for a reaction, and, often, for an intervention with respect to the measures adopted by the Civil Protection Headquarters of RC. Individual complaints were used by the Office as the basis for action and for issuing public appeals (in the media and via the website *dijete.hr*), and for general recommendations to responsible authorities during the pandemic.

Complaints regarding the **accessibility of education** were related to the following: inability of the full participation of parents in kindergartens during kindergarten adaptation period because of pandemic containment measures; lack of access to kindergarten for children whose parents were required to work during the lockdown; inability to implement programmes of early learning of foreign languages and of religious education in kindergartens; inability to participate in online learning due to the lack of technical conditions (tablets, internet connection); the manner of implementing online classes; denying the right to full-time classes and to a warm meal at school; to realising the right to safe transportation, etc.

At the beginning of the coronavirus crisis the Office encountered a large number of enquiries and complaints by owners of kindergartens and parents, especially those whose children attend religious and private kindergartens, in relation to **different practices of co-financing kindergartens and determining parental participation in the price** during the extraordinary circumstances. The Office made a recommendation to the then Ministry of Public Administration and the Ministry of Science and Education and individual local self-government units to harmonise practices and find a solution for relieving parents from paying the full price of kindergarten for all children equally, regardless whether the founder is a private person, a religious group or a local self-government unit for as long as the decision on the termination of their regular operation was in force.² Despite the recommendations, different practices to the detriment of children and parents continued in individual local self-government units. When children returned to kindergartens after the lockdown, parents were faced with either being prevented from staying, or with staying for a limited period, with their children at kindergartens during the kindergarten adaptation period due to different organisation of work at individual kindergartens which had to be adapted to the current epidemiological situation.

² Decision to suspend teaching in higher education, secondary and primary schools and the regular operation of early childhood education institutions and start of online education, Official Gazette 29/2020 and 32/2020.

Motivated by the announcement that in May 2020 the operation of pre-school educational institutions and classes for students from the 1st to the 4th grade, as well as the work of special classes of students and classes for children with disabilities who have teaching assistants, will be resumed, the Ombudsperson **invited the Croatian Institute of Public Health to a speedy preparation of recommendations and guidelines** on the implementation of this measure. The Ombudsperson warned that the adoption of the decision on the return of only some of the children to kindergartens and schools raises many questions regarding the protection of their rights and wellbeing, considering numerous risks, especially for the most vulnerable groups, and stressed that it supported a gradual return to and normalisation of everyday life, but not at expense of children.

Prior to the start of the school year 2020/2021, the Office issued **a recommendation on the protection of the best interests of children when organising classes amid the conditions of the COVID-19 pandemic**. The Office recommended that, with the cooperation of epidemiologists and other relevant experts, measures for the beginning of the school year be speedily developed and adopted and that students, parents and educational institutions be prepared for their implementation, that they be provided with timely and clear information and that in doing so care be taken of varying epidemiological situation across Croatian counties and the situation in local environment be taken under advisement. The Office recommended the following: that a protocol on the organisation of classes and measures for the protection of children and other participants in the education system be put in place, as well as a protocol for action in case of students or employees falling ill; that personnel capacities be examined and solutions prepared for replacement of absent educational personnel; that the means for the implementation of the necessary spatial, technical, hygienic and other protective measures be planned and ensured in coordination with school founders, as well as for meeting all the necessary conditions in case of potential online classes; that special attention be awarded to the protection of children with disabilities that have chronic and autoimmune diseases and other health difficulties and that the manner of implementing classes be established, as well as targeted measures for their protection and realisation of continuity of their education, as well as measures for the work of teaching assistants; that the manner of practical training and exercises be defined with regard to vocational education, possible alternative solutions and measures necessary for the protection of students and other participants; that children at all schools be provided with clear, concise and accurate information on COVID-19, in the manner and format appropriate for their age, together with instructions on hygienic and other protective measures; that contact points be established (phone lines and e-mail contacts) for providing information, help and expert assistance to children, parents and educational personnel, including contact points for psychological assistance and provision of expert assistance and support to parents with various difficulties; that care be taken of the great number of students using means of public transports and that solutions be sought with regard to that aspect of the problem.

With regard to primary schools, parents raised the problem of the **lack of quality school meals and out-of-class activities and the possibility of extended stay at school** which was connected with the specific organisation of the work at schools at the time. The pandemic during the school year 2020/2021 closed school kitchens and children were served packed meals instead of cooked meals. In addition, organising out-of-class activities became a problem, especially of those that included children from different classes, as well as the organising the extended stay of students at school. Some schools, due to the implementation of pandemic containment measures and lack of space, could not organise extended stay for all students that were provided with the opportunity under regular circumstances so they organised extended stay only for the youngest children (1st and/or 2nd grade students). In some cases, school founders, for example towns and municipalities, tried to come up with the solution by allowing their schools to make use of cinema theatres or other similar spaces to organise extended stay for as many students as possible.

Motivated by media headlines and direct information of the **inability of students in individual parts of Croatia to participate in online classes due to poor internet signal** (for instance in parts of Slavonia, Dalmatinska zagora, Hrvatska Kostajnica, Glina and areas around Karlovac) the Office issued a recommendation to the Ministry of Science and Education and the Ministry of Sea, Transport and Infrastructure to, in cooperation with schools, examine the needs of children with regard to availability, speed and quality of their internet connection and undertake all measures for children to be able to participate in online classes without hinderances.

The Office of the Ombudsman of Children also reacted to parental complaints, especially by parents of secondary school children regarding **crowded public transport due to inability to adhere to pandemic containment measures** and the Office invited competent authorities at the level of local and regional self-government to strive to ensure a sufficient number of vehicles for passenger transport, especially at times when students travel to and from school.

The complains by parents regarding **inadequate safety, spatial and organisational conditions** for work in educational institutions were related to: changes in the organisation of education; the manner of bringing children to and picking them up from kindergartens; time limits for the preparation of the national graduation exam; time limits for enrolment to secondary school; inability to adhere to pandemic containment measures and insufficient spatial, safety and hygienic conditions; wearing of masks and adherence to other pandemic containment measures; the repercussions of pandemic containment measures on children's health; the suspension of the right to physical education classes and extracurricular activities; the problem of organising elective courses due to the prohibition for children of different age groups to share the same facilities as warranted by the epidemiological situation at the time.

From the outbreak of the pandemic **parents launched complaints against applicable pandemic containment measures** and their implementation at schools, in particular against the obligation for students to wear protective masks, claiming that this violates their basic human rights and endangers their physical and psychological development and health. Complaints were also made against the obligation to maintain physical distance among students, as well as against other measures that needed to be implemented at educational institutions. For instance, during the school year 2020/2021, parents complained that children who do not attend religion classes were not adequately cared for because they were put into situations where they had to stay in the same class with other students attending religion classes. Since schools failed to organise alternative classes to religion classes or for such children to be cared for in another way, the Office alerted the Ministry of Science and Education of the violation of children's rights and re-issued the recommendation that alternative educational content be introduced for students not attending religion classes.

The Office **alerted the Ministry of Science and Education regarding the observed difficulties in the interpretation and implementation of said measures at schools** and stressed the utmost importance of instructions and recommendations adopted to be timely and clearly communicated to all stakeholders in the educational system and adequately explained. The Office also called for transparency in adopting, publishing and implementing instructions and recommendations. The transparency of the entire process, from the adoption of instructions and recommendations, reasons behind their adoption, to their publication and communication to educational institutions, but also to parents and students is a necessary precondition for acceptance and understanding of the importance of adherence to measures in order to eliminate all unclarities and dilemmas regarding their application.

The Office was informed by some schools of students' **parents opposing the implementation of pandemic containment measures at schools**, primarily the **wearing of protective masks**. The Office recorded cases of parents instructing children not to adhere to the obligation of wearing protective masks at schools. Schools also notified the Office of **parents and other citizens protesting against pandemic containment measures** in front of schools and harassing students and staff with inappropriate remarks. With regard to such cases, when students and staff found themselves under attack or pressured by groups opposing the wearing of protective masks by days on end, the Ombudsperson issued a message in the media stressing that parental encouragement of children to violate the rules of behaviour at school, as well as of other prescribed pandemic containment measures, was not in the children's best interest and was harmful to them, because it motivates them to behave inappropriately for which they can suffer consequences. Since the described events demonstrated that schools needed stronger support from competent institutions, the Ombudsperson invited all those able to contribute to ensuring the preconditions for a safe and stimulating educational environment to do everything possible for children to have a chance to receive an education in an environment that more appropriate for their developmental needs.

The Office has regularly instructed schools regarding the importance of communication and cooperation with parents. The Office has underlined that school physicians and epidemiologists of the Croatian

Institute for Public Health may serve as an important source of support in communication with parents opposing pandemic containment measures. The Office stressed the importance of communicating with children on the purpose of measures adopted to contain the spreading of the coronavirus and provide them with answers to their questions and dilemmas regarding the measures.

When replying to parents, the Office pointed out how extremely important it is for everyone to adhere to issued recommendations and measures, including the measure of wearing protective masks because by wearing masks children protect themselves and other children, especially those who due to health issues cannot wear masks themselves, as well as other persons in their surroundings. The Office warned that parents opposing pandemic containment measures consciously undertake the responsibility for the risk of contagion and illness, not only of their child but also of other children sharing the same facilities, which constitutes neglecting the health care of a child and wilful endangerment of the health of others.

Schools also informed the Office of **unprofessional and unethical practices of individual educational workers**, who publicly, especially via digital channels, opposed testing, vaccination and wearing of protective masks and forced their opinions on students during their classes. Unfortunately, there were cases in which the educational inspection of the Ministry of Science and Education and the Education and Teacher Training Agency, despite their competence to execute inspections, failed to act with an aim to protect children from inappropriate behaviour of adults. After the introduction of the obligation to produce a COVID certificate or other valid proof of testing, vaccination or recovery from the COVID-19 disease (hereinafter referred to as COVID certificate) in all government and public institutions, the Office received complaints regarding difficulties in holding classes due to individual teachers refusing to be tested for the coronavirus.

The complaints of parents and experts related to **school programme and content** had to do with: difficulties in participating and implementing online classes; the scope of tasks for children and insufficient explanation of curricular content; teachers not adequately tackling the situation and inappropriate communication with students during online classes; the violation of children's right to privacy during online classes; the violation of the right to additional and remedial classes; the need for excessive parental involvement in the learning process; grading system; the realisation of students' rights to participate in competitions; the realisation of rights to additional content, trips and excursions and repayment of funds paid for excursions; the loss of children's work habits due to the interruption of regular classes; students who managed to go through to the national competition being prevented from earning additional points for enrolment in the 1st grade of secondary school in the school year 2020/2021, etc.

Based on the difficulties observed **when the online school was first introduced**, the Office recommended to the Ministry of Science and Education to: ensure all required support for children and involvement of the Education and Teacher Training Agency in order for online classes to adhere to pedagogical rules and students to achieve the expected learning outcome; to put stress in the curriculum on important facts, in which teachers can be assisted by expert counsellors from the Education and Teacher Training Agency; to avoid transferring responsibility from teachers to parents or students; to award special consideration to students of graduating classes. The Office repeatedly invited the Ministry of Science and Education to inform parents and students in a timely manner of the planned manner of work in the continuation of the school year, as well as how enrolment in secondary schools and the national graduation exam and enrolment to universities were to be organised considering that students of graduating classes were additionally burdened by insecurity regarding the continuation of their education. **In the later stage of online classes**, parents complained against the manner of work of individual teachers who structured their online classes so as to only give written instructions and tasks that students were required to complete themselves.

In accordance with changes to pandemic containment measures the Office received requests and appeals that classes be held face-to-face, as well as requests that classes be organised online for all children due to the risk of contagion. Especially worried were parents of students finishing the 8th grade who requested that education for their children be organised at school considering that their children needed to get better knowledge and grades due to entrance exams and enrolment in secondary schools.

Experience thus far has shown that online classes cannot completely meet all children's needs or achieve educational goals and objectives. The Office has underlined the importance of investing all the necessary efforts to ensure that amid the conditions of an epidemic children could spend as much time at school as possible subject to the necessary measures for the protection of the health of children and adults. In overcoming the numerous challenges posed by the pandemic, quality cooperative communication between parents and educational staff was key. Both groups needed additional support in adapting to new conditions, understanding and patience.

With regard to the Education and Teacher Training Agency's Decision to **suspend all student competitions and events** in the school year 2019/2020 due to the outbreak of the COVID-19 pandemic, the Office was contacted by dissatisfied parents and student mentors due to the cancelation of individual competitions. The Office also received complaints from parents regarding students being prevented from earning additional points for enrolment in the 1st grade of secondary school in the school year 2020/2021 although they managed to go through to national competitions, which did not take place in 2020 due to the pandemic.

Following the **postponement of school leaving trips** to countries affected by the COVID-19 pandemic (Spain and Italy), parents alerted the Office to practices of some travel agencies to refuse refunding prepaid amounts for travel expenses and insist that excursions be realised, invoking the recommendation of the then Ministry of Tourism, supported by the Ministry of Science and Education. The Office issued a recommendation to the said ministries when adopting decisions regarding children to give precedence to the best interest of children and provide parents with the right to choose and receive their money back.

2.1 Education of children with disabilities

The online classes for children with disabilities faced many challenges of which the greatest was to adapt to online classes. Considerable difficulties arose from the need to adapt the programme of the Croatian Radio Television, School on the Third Channel (*Škola na Trećem*), the manner in which children with disabilities were to return to school, the implementation of the prolonged expert procedure and the partial integration of children with disabilities under the conditions of pandemic containment measures being applied, as well as ensuring support to teaching assistants during online school.

The Office is aware that the appropriate form of schooling children with disabilities is often not adhered to in the educational system. The inadequate adjustment of the manner and methods of work to children with disabilities was particularly visible during online classes. No adaptations were made regarding distance learning via TV programmes (no adaptations for deaf or hard-of-hearing students, blind or visually impaired and deafblind students). Teachers that up to that moment had made certain adjustments in a classroom setting, made no adjustments during online school because they did not know how to do this under this new model of teaching. Therefore, for the duration of the pandemic and the consequent implementation of special models of education, it is necessary to provide online support for the implementation of adjustments to classes for children with disabilities, such as support for the preparation of materials for distance learning and preparation of materials adapted to children with disabilities (which can include school expert teams).

In 2020, the Office conducted research through a questionnaire entitled the Protection of the rights and wellbeing of children with disabilities that are beneficiaries of social services (institutional and/or outside institutions) and/or educational services in institutions during the pandemic of the coronavirus, which was completed by employees of 14 institutions that provide social services and educational programmes to children with disabilities and 7 associations for the protection of the rights and interests of children with disabilities. The results indicated 5 areas important for the education of children with disabilities during the coronavirus crisis: (1) the importance of direct work with children with disabilities; (2) the necessity of the support from parents (family members) in implementing online classes; (3) the lack of feedback and the problem of evaluating students with disabilities; (4) overloaded staff working with children with disabilities; (5) difficulties regarding the implementation of online classes, for instance,

specific difficulties in online education for students with hearing impairments (the need for sign language interpreters, etc.) or for students with visual impairments (hard-of-hearing students have difficulties in observing some content when working online; during online classes and in school books in the PDF format blind students lack the tactile experience of some depictions in course materials because screen readers and speech synthesizers do not recognise images and graphic displays, etc.).

The return of children with disabilities to schools at the beginning of May 2020, prompted the Office, after having identified new problems, to issue new recommendations. The Office again stressed that the group of children with disabilities is quite heterogeneous and that decisions and recommendations cannot be made in general, but that the degree and level of support should be assessed individually for each child with disabilities. For instance, some students of subject classes with disabilities cannot be left alone at home because due to the nature of their difficulty they are not able to function alone (e.g. Autism Spectrum Disorders, ADHD, multiple difficulties, etc.). On the other hand, some children can perhaps be left alone at home because the nature of their difficulty enables them to function alone. However, due to insufficient adaptation of online classes they are unable to participate alone and meet their obligations and can manage only with the support of their parents (when they come home from work). Therefore, the Office recommended to the Government of RC and the Ministry of Science and Education that, in addition to students with disabilities from the 1st grade to the 4th grade, return to schools also be enabled to students with disabilities from the 5th grade to the 8th grade, because they, due to their difficulties, although attending subject classes are not able to participate in online classes when alone at home.

In 2021, when classes in the remainder of the school year continued in classrooms, a problem was observed regarding the implementation of the appropriate form of education under the model of **partial integration** which, due to education being provided only in a special class of students (conditioned by pandemic containment measures) turned to separate schooling of students with disabilities.

In addition, the rules for **support from teaching assistants/communication mediators** to students with disabilities who, due to their difficulties, again in 2021 continued their education at home were not formulated clearly enough. The continuation of distance learning for children with disabilities that cannot return to school is a model heterogeneously implemented at different schools so its implementation requires clearer guidelines.

HEALTH



Regardless of exceptional efforts invested by health care workers, the COVID-19 pandemic affected health care rights of children in terms of availability, conditions under which health care services were provided and insecurity regarding the need to cancel appointments in order to contain the spread of the pandemic. Complaints were related to: parents' dissatisfaction with the manner in which children were examined at health care institutions during the pandemic, lack of quality communication between health care workers and parents or children, parental visits, parents' accommodation with children during their hospital stays; dissatisfaction with recommendations and decisions of the Civil Protection Headquarters of the RC pertaining to children.

With regard to **parent dissatisfaction** with the behaviour of health care workers towards them and their children and with regard to parental claims that children were denied health care, the Office informed the Ministry of Health, the Croatian Health Care Institute and the Health Care Office of the City of Zagreb and requested them to act in accordance with the complaints procedure. Pandemic containment measures that were adopted to contain the spread of the pandemic caused some parents to feel mistrust and agitation and contributed to them being increasingly worried. The Office believes this could have partly been avoided by better communication and clearer explanation of the purpose of certain measures and their benefits for children. The devotion of health care workers and their contribution to the

protection and preservation of the health care system is unquestionable. However, the pressure they were exposed to in some workers resulted in reactions that parents, also dealing with challenging situations amid the pandemic, perceived as inappropriate.

Since the pandemic started numerous parents and organisations have contacted the Office in relation to the restriction of children's rights to **parental visits or bedside accommodation of parents of hospitalised children, separation of newborns from their mothers after childbirth, suspension of breastfeeding** and opportunity to have a labour companion during childbirth. The Office has often stressed its stance in the media regarding the need to ensure to children that their rights to visitation and parental bedside accommodation are exercised, as well as the need to allow labour companions to be present at childbirth, in line with measures for the protection of life and health of patients and employees.

Rules and restrictions regarding these issues have changed and been adapted to the epidemiological situation. Based on complaints from citizens and organisations and data available on hospital websites the Office became aware of heterogeneous practices regarding labour companions, the conditions that labour companions must meet, regarding the separation of newborns from their mothers and parental visits to their hospitalised children, as well as with regard to the duration of these visits. Non-uniform practices were observed prior to the outbreak of the pandemic but have since become even more evident. With the benefits of parental stays with hospitalised children in mind, especially when it comes to the presence of the mother with the newborn during hospitalisation and in support of breastfeeding, the Office recommended to the Ministry of Health that uniformed practices be set up across different hospitals as regards ensuring parental visits and bedside accommodation of parents with hospitalised children, the presence of labour companions during labour and childbirth and not separating mothers and newborns in maternity wards. The practices of all hospitals should be based on the latest professional discoveries and the need to protect the best interest of the child as guaranteed by the *UN Convention on the Rights of the Child*.

Throughout the period of the pandemic the Office received complaints or reactions of civic groups and individuals relating to self-isolation, testing for coronavirus, wearing protective masks, the vaccination of children against the coronavirus, etc. The Office was also contacted by primary and secondary schools, as well as kindergartens, requesting assistance and guidance on how to proceed, predominantly in cases when parents refused to support their children in adhering to pandemic containment measures.

Schools alerted the Office to problems they faced because some parents opposed the implementation of any pandemic containment measures with regard to their children and encouraged students not to wear **protective masks on school premises**. The Office has repeatedly alerted schools to the importance of timely and ongoing communication with parents and notification of parents as regards applicable regulations, both in the segment of the protection of the population from infectious diseases and in the segment of education but also with regard to parental obligations under the Family Act.³ The problem that was clear from the beginning of the pandemic as a potential risk for the spread of the contagion were **inadequate hygienic conditions** at individual schools where there was no toilet paper, warm water and soap. The Office had pointed out even before the pandemic that such disregard of children's needs and of the protection of their health was unacceptable.

As regards **self-isolation**, parents questioned the sense and manner of self-isolation of a child as imposed by competent epidemiologists, complained against lack of satisfactory communication of epidemiologists with parents and objected to the content of instructions for children's behaviour in self-isolation. The Office, for the most part, forwarded such complaints to the competent epidemiology services in order for all possible misunderstandings to be resolved at the benefit of the child. The Office also communicated with parents, alerting them to the importance of providing support to the child.

The Office received parental complaints against the **Decision on the temporary ban on crossing the state border at the border crossings of the Republic of Croatia**.⁴ Parents objected to the requirement for children under the age of five to be subject to mandatory testing or self-isolation when cross-

³ Official Gazette 103/2015, 98/2019.

⁴ Official Gazette 3/2021, 4/2021, 8/2021, 14/2021, 20/2021, 26/2021 and 32/2021.

ing the state border and entering RC if the child, due to its age, did not undergo a PCR test. A parent of a child with disabilities informed the Office of additional difficulties they had faced when trying to have their child tested due to the particularities of their child's disability. Soon after the Office contacted the Croatian Institute for Public Health the said Decision was amended. Pursuant to the new Decision⁵ children under 7 years of age, travelling accompanied by a parents/guardian are exempt from the obligation to present a negative test result and to self-isolate if the parents/guardians have a negative PCR or rapid antigen test result or if they have a certificate of vaccination against COVID-19 or proof of having recovered from the COVID-19 disease.

The Office was also contacted by parents and other citizens dissatisfied by the possibility of **children being vaccinated against COVID-19**. Some expressed their dissatisfaction and concern that this might lead to mandatory vaccination of all school children against COVID-19. A group of citizens expressed their concern that institutionalised children might be vaccinated against the consent of their parents. The Office informed citizens that vaccination against COVID-19 in RC is voluntary and that a decision on whether a child will be vaccinated is reached by parents/guardians who need to discuss this with their child depending on its age. In the decision-making process, parents/guardians and children need to have available understandable and detailed explanations on situations in which vaccination of children is recommended and that such decision is their choice. They should be given the said explanations and information by their family doctors, paediatricians and/or school doctors in order to be able to reach an informed decision whether to have their child vaccinated.

As regards children without adequate parental care placed in children's homes or with foster families, the Office informed the complainants that in most cases parents of such children did not have their parental responsibility removed but lost the right to reside with the child and that in some situations children were placed in children's home or with foster families with parental consent. In such situations, the consent for vaccination of a child is also given by the parents. In cases where parental responsibility has been removed from the parents, children can only be vaccinated against COVID-19 subject to the principles of foster-care protection as prescribed by the Family Act, under which foster care protection of a child without parental care must be commensurate to the need to protect the wellbeing and the rights of the child and its best interests. The Office called for information on any possible vaccinations of children contrary to these rules.

The Office also received reactions from several dozens of citizens who interpreted a media statement of a member of the Civil Protection Headquarters as a threat that their children would be subject to participate in 'forced experiments' in the development of COVID-19 vaccines. The Office instructed parents with regard to all relevant information and recommendations pertaining to the vaccination of children and adults to consult the website of the Croatian Institution for Public Health and the Agency for Medicinal Products and Medical Devices of Croatia – HALMED. The clinical research mentioned is performed in accordance with the Paediatric Investigation Plan approved by the Paediatric Committee of the European Medicines Agency (EMA). Participation of a child in this type of study is possible only with the consent of a parent/guardian, whereby it is also important that a child is informed in detail and is itself actively included in the decision-making process and providing of an informed consent.

The Office also received inquiries on the vaccination against COVID-19 of **children who wanted to get vaccinated but parents denied their consent**. This issue needs to be viewed in the light of the fact that vaccination against COVID-19 is not mandatory in RC but provided as an option, exclusively on a voluntary basis. Pursuant to Article 17 of *the Act on the Protection of the Rights of Patients*⁶ the consent for individual diagnostic or therapeutic procedure for a child is provided by its legal representative or guardian. With regard to voluntary vaccination it is assumed that this is the decision to be made by parents who must take care of the protection of the best interest of the child. The Office recommends that children's family doctors be consulted on this matter and that parents are informed in more detail via health centres and the educational system of all available possibilities of protection against COVID-

⁵ Decision on the temporary ban on crossing the state border at the border crossings of the Republic of Croatia, Official Gazette 32/2021, entered into force on 1 April 2021.

⁶ Official Gazette 169/2004, 37/2008.

19 and protection provided to children by the vaccine, its possible side-effects, etc. It is highly desirable that this be discussed by parents and children.

In contrast to *the Act on the Protection of the Rights of Patients*, *the Family Act* differentiates between children as patients and children as beneficiaries of health care services, depending on whether they are younger or older than 16 years of age. While for children under 16 a decision on a preventive, diagnostic or therapeutic procedure requires an informed parental consent, children who turned 16, and are, pursuant to the assessment of a doctor sufficiently informed to form their own opinion on a particular matter, as well as mature enough to reach a decision on preventive, diagnostic or therapeutic procedures related to their health or treatment, may give their own consent for check-ups, tests or medical procedures. Parental consent for children over 16 will be required only where, in accordance with doctors' assessment, a particular medical procedure is related with the risk of severe consequences for the physical or mental health of the child.

It is the opinion of the Office of the Ombudsperson for Children that decision on the vaccination of a child against COVID-19 should be reached by parents in cooperation with their child and the child's doctor and that information on the benefits of vaccination in preventing severe forms of illnesses and their consequences should be made more available to the public, both through the educational system and the health care system. In cases where a child's doctor assesses that denying the child vaccine against COVID-19 seriously jeopardises their wellbeing, health status or life – for instance in the cases of children suffering from severe chronic diseases – the doctor is obliged to report this to the competent social welfare centre.

The pandemic only underscored the ongoing, years-long problem of the **insufficient number of mental health professionals** working with children and the **unavailability of professional psychological assistance** for children living outside major towns, given the increased need for such assistance. With regard to the protection of the mental health of children, situation has been made additionally difficult by the years-long problem of the lack of spatial and staff capacities for hospital treatment of children with mental health issues. The protection of the mental health of children and adolescents should be ensured long-term, systematically, and continuously across the territory of the entire country. With this aim easily available services should be organised for the protection of mental health in the community. Children should be ensured systematic psychological support within the educationally system. The Office would like to particularly stress this in view of the recent research conducted in RC which indicates that the pandemic has negatively (as expected) impacted the mental health of both adults and children.

PRIVACY

4.

The introduction of pandemic containment measures caused access to most services to be available exclusively via digital tools. The manner in which different services for children are accessed has changed substantially, as well as the manner in which different institutions collect data on children and communicate with parents or guardians of these children and the public, often leading to misunderstandings and even mistakes detrimental to children.

Most complaints concerned **violations of children's privacy in the media, especially social media, followed by their privacy in institutions** – schools, kindergartens and hospitals, sports clubs and other facilities, as well as in the family. The Office received complaints related to unauthorised and excessive collection of personal data on the health of children and publication of information on their health, as well as that children's privacy was not protected in the application and everyday use of new technologies and digital data in online classes.

Parents, as well as representatives of institutions, were notified of our recommendations regarding respecting children's privacy and dignity. Their complaints were, as a rule, forwarded to the Croatian

Personal Data Protection Agency or they were instructed to contact the Agency directly. In some instances of reported suspicions of violation of the right of a child to privacy the Office alerted other authorities, companies, professional associations and others, requesting their involvement and action (the police, the State Attorney's Office, the Ministry of Science and Education, the Ministry of Health, media houses, the Electronic Media Council, the Croatian Journalists' Association and others).

The bulk of complaints concerned the violation of the privacy of children in the media when reporting on cases of contagion with the coronavirus, breach of pandemic containment measures, protests against the obligation to wear protective masks at schools, etc.

At the beginning of the pandemic, the Office invited the media not to publish data on children who had contracted the disease and refrain from publishing news that could harm children, to adhere to the highest professional standards in connection to reports that include children and to respect their privacy. The Office recommended to the Civil Protection Directorate that local civil protection headquarters do not publish the particulars of cases of coronavirus contagion in individual educational institutions unless it is assessed that this is in the interest of protection of public health and that no data are published on particular classes or kindergarten groups required to self-isolate. The Civil Protection Directorate forwarded the recommendation to local civil protection headquarters, local and regional self-government units, so they soon adapted their public appearances and press releases accordingly. The Office made the same recommendation to the Ministry of Science and Education, stressing that in case of contagion with coronavirus it is important that the particular institution urgently informs the parents and children and instructs them as to the necessary health protection measures, as well as provide them with support but that this should not be done through the media. The Office warned that in most cases it is not in the best interest of children that headmasters of educational institutions give statements to the media on contagion at schools, which classes infected children attend and which classes were put in self-isolation because this may violate children's rights. The Ministry of Science and Education reacted with a time lag, as it did not forward the recommendation of the Office to headmasters of educational institutions until December 2020.

Parents also contacted the Office in connection with schools collecting **data on the children's selected family doctor/paediatrician** for the purpose of implementing pandemic containment measures, raising the question of violation of the children's personal data. According to the Croatian Personal Data Protection Agency, this were cases of processing of necessary personal data required by schools to complete tasks in the public interest and compliance with legal requirements arising from special regulations⁷ rendering parental consent neither a condition nor legal basis for the lawfulness of personal data processing.

The complaints received showed the Office the necessity for raising awareness on the need to protect the privacy of children and systematically educate experts from different areas, as well as parents and children themselves. In addition, protection of privacy and wellbeing of children needs to be additionally regulated in individual areas by adopting codexes, guidelines and action protocols.

FAMILY LAW PROTECTION



COVID-19 containment measures had an especially adverse effect on the protection of rights of the children of parents whose **relationship had already been strained**. Due to the special organisation of work implemented by institutions in the various phases of the pandemic, assistance from social workers regarding the exercise of parental responsibility was less available, with the result that parental conflicts about issues relevant for their children became even more pronounced.

⁷ Act on Education in Primary and Secondary Schools, Official Gazette 87/2008, 86/2009, 92/2010, 105/2010, 90/2011, 16/2012, 86/2012, 94/2013, 152/2014, 7/2017, 68/2018, 98/2019, 64/2020, and the Act on the Protection of the Population Against Infectious Diseases, Official Gazette 79/2007, 113/2008, 43/2009, 130/2017, 114/2018, 47/2020, 134/2020.

Parents contacted the Office because of difficulties in **harmonising their responsibilities in the work-place with the responsibilities of parental care** during the suspension of regular operation of kindergartens and classes at school at the beginning of the pandemic, as well as in cases when children due to self-isolation or isolation requirements stayed home from kindergarten or school. At the beginning of the pandemic, the Office made a recommendation to the Government of the RC, reminding it of the state's obligation to provide support to employed parents, of which the Office also informed the Civil Protection Headquarters of the RC. Among other things, the Office recommended that parents be enabled to work from home whenever possible.

Difficulties in realising care of **children placed in institutions or with foster families** were related to: inability for children to build personal relationship with parents and other persons and maintain contact with their peers, difficulties in following online classes and difficulties in organising regular health care, suspension of activities that children usually undertook, difficulties in the organisation of work of institutions due to being short-staffed and having difficulties in procuring protective gear early in the year.

In 2020, the Office completed the **research on children and young people accommodated, placed and residing in homes for children without appropriate parental care and community service centres during the COVID-19 pandemic**. It spanned 20 institutions caring for children without appropriate parental care. The results have indicated that homes for children without appropriate parental care were well organised during the COVID-19 pandemic and that their staff invested considerable efforts in assisting and supporting the children under their care. However, the continuity of psychological and psychiatric treatments of children outside institutions was interrupted and necessary health care check-ups and treatments were postponed. The implementation of online classes in homes for children was very stressful and challenging both for children and staff. Children placed with foster families and their foster parents faced identical difficulties. As for peer violence, the research results have showed that cases of peer violence among institutionalised children were rare, probably due to individual work of staff with children and constantly available psychological assistance and support.

Parents and family members complained about **inability to build personal relationships with children placed with foster families**, which consequently led to disruption of the relationship between foster parents, parents and family members with whom under normal circumstances children would have had regular contact. Since the provision of professional assistance by social welfare centres to children and their parents was made difficult, the process of ensuring the conditions for the return of children to families slowed down considerably.

Adoption proceedings slowed down, that is, the processing of applications for assessment of fitness and suitability of prospective adoptive parents by social welfare centres and consequently their inclusion in expert adoption preparation programmes.

VIOLENCE



6.1 Domestic violence

The difficult and challenging period of the COVID-19 pandemic was marked by the increase in the number of domestic violence cases. Children are severely affected by domestic violence both when they are victims of it themselves and when they witness violence among adults

According to the official data of the Ministry of the Interior, there was a rise in cases of identified and reported criminal offences belonging to the segment of criminal law protection of children, by 16% from 2019 and by 16.7% from 2020. In 2020, there were 10,414 misdemeanour cases under *the Protection*

from *Domestic Violence Act*⁸ perpetrated by 8,539 perpetrators of which 134 were minors. In 2021, 36 criminal offences of domestic violence against children were recorded. As many as 1,345 children were victims of misdemeanours under the *Protection from Domestic Violence Act* perpetrated by 8,540 perpetrators of which 1,144 were minors.

Most cases of violence against children reported during 2020 and 2021 to the Ombudsperson for Children was related to **conflicts between partners witnessed by children**, which prompted competent institutions to take action to protect children's rights and sanction abusive behaviours

A considerable number of complaints was related to **manipulative behaviour of parents**, who, using the pandemic as an excuse, prevented the parent who did not reside with the child from maintaining a personal relationship with the child. The Office also received reports of cases of **children witnessing violence at the time when they were picked up or returned from visiting** the other parent or a grandparent. Such complaints were frequent during lockdown, when services of the social welfare centre concerning counselling and assisting, and family mediation were provided exclusively over the phone or by electronic means of communication.

In April 2020, the Office issued a recommendation to the competent ministries (then the Ministry of Demographics, Family, Youth and Social Policy, the Ministry of Health, the Ministry of the Interior and the Ministry of Justice) to prepare special guidelines to protect children against violence and neglect during the COVID-19 pandemic, inviting institutions and stakeholders in the *Protocol on the procedure in case of domestic violence*, to make the necessary adjustments and undertake activities aimed at efficient prevention and protection of children against all forms of domestic violence.

Although cases of violence against women and children could be reported to social welfare centres during lockdown and their workers carried out field work, experts from social welfare centres and beneficiaries of their services underlined the difficulties faced due to the temporary suspension or restrictions to the implementation of measures of family legal protection and increased care and oversight during the pandemic, implemented in accordance with the instructions of the then Ministry of Demographics, Family, Youth and Social Policy. The Office recommended that these instructions be revised which was implemented when the epidemiological situation improved.

6.2 Violence against children in educational and other institutions

In 2020 and 2021, the Office recorded **fewer reports of peer violence** in educational institution which is in line with expectations due to fewer contacts among children because of online classes and frequent isolation of children. However, there was a continued inflow of complaints against online violence in school classes, most frequently related to class social media groups (e.g. Viber, WhatsApp groups). The increased scope of online classes led to the **decrease in the scope of implementation of preventive programmes** at schools. Risk prevention can be realised in its full scope only via direct human contact and professional activity, which requires the process of education to be conducted face-to-face at schools.

Although the pandemic and connected mental health difficulties in children did not in the past two years lead to an increase in the number of complaints against peer violence, it is necessary to monitor the situation and act pre-emptively, considering that the established risk of occurrence of mental health issues also poses a risk for occurrence of peer violence.

In 2020, the Office conducted **research on the realisation of rights of children with behavioural problems amid the COVID-19 pandemic** at 12 social welfare institutions accommodating children with behavioural problems. The results confirmed that neither children's homes nor residential care children's homes registered a rise in peer violence. If anything, it even reduced in some institutions, which all of the interviewees attributed to the increased scope of preventive and other activities that were implemented in their work with children during the lockdown.

⁸ Official Gazette 70/2017, 126/2019, 84/2021.

THE JUDICIARY



The extraordinary situation caused by the pandemic adversely affected the **conduct of judicial authorities in proceedings where children's rights are decided**. Therefore, the Office requested the Ministry of Justice and Administration to ensure speedy action of courts in all proceedings relating to children.

The limitations of mobility and possibility of contact with trusted individuals to whom children most often report abuse resulted in the **reduction of the number of reported criminal offences**. Concern regarding the expected increase in domestic violence and sexual abuse of children on the internet because of introduced pandemic containment measures stressed the necessity for putting in place a framework for empowering children to report violence they are exposed to but also to ensure that victims of criminal offences are provided with assistance and protection at all times. The pandemic has also considerably contributed to the abuse of children on the internet. Children spend more time on the internet than before, most often unsupervised. Considering that more and more perpetrators are isolated at home, demand for materials containing sexual abuse of children has increased considerably, thus leading to new abuse of children (by forcing children to participate in sex activities in live feeds or by materials containing sexual abuse of children being exchanged).

7.1 Protection of rights of children in conflict with law and deprived of freedom

The pandemic has affected the dynamics of activities in institutions within the social welfare and the justice system that execute institutional correctional measures. The measures of **reduced direct physical contact with family members and outside world** continued for several months and have exacerbated the already existing isolation of children, increasing the risk of their mental health deteriorating. Children's contact with their families and the outside world where limited and during lockdown suspended altogether. At the same time there were no activities provided by outside stakeholders, most often different associations, because they were initially not allowed to enter these institutions. Children (minors) serving their sanctions at juvenile correctional facilities were not allowed to visit their families. All penal institutions introduced a possibility of video contact of persons deprived of freedom with their family members. Social assistance homes also organised video contacts of children with their family members.

No visits to such children from other bodies in accordance with regulations governing the execution of measures and sanctions (judges, state attorneys, defenders) were possible, **preventing regular oversight of the work of and realisation of children's rights** in the mentioned institutions.

In addition to fewer contacts with families and different visitation regimes, children (minors) deprived of freedom in a stricter sense (in investigative prison, correctional facilities, juvenile prison) were under even greater risk of deterioration in their mental health during the pandemic amid **difficulties in realising health care services** due to cancellation of their doctor's appointments, except in emergency cases.

The UN Global Study on Children Deprived of Liberty during the pandemic warned against the increase in the number of children placed in detention facilities for children deprived of liberty, lack of water and poor sanitation facilities in some of these institutions in some countries, lack of healthcare services and consequences of isolation of such children without the possibility of contacting their families or the outside world. There were some positive consequences of the COVID-19 pandemic being observed, in the sense of an opportunity being provided for speedy re-examination of the need and the circumstances of individual groups of children being deprived freedom, as well as for the re-examination of the children detention system in many countries.

CULTURAL RIGHTS AND LEISURE TIME



During the 2020 lockdown, families were forced to spend their time at home, without going out, socialising or attending activities, which largely affected the realisation of children's **cultural rights and their leisure time**.

A pandemic containment measure adopted during the lockdown to prohibit the use of all children's and open-air sports facilities led to their lack of movement and physical activity. In an effort to help children and parents during the pandemic the Office of the Ombudsman for Children published on its website www.dijete.hr links to the recommendations of relevant institutions on the manner in which families can spend time together, play and engage in various different activities during the extraordinary circumstances of the pandemic, as well as the advice and ideas of the International Play Association, which promotes children's right to play, and lastly ideas on activities for teenagers.

The year 2021 was marked by citizens' complaints against the obligation for adults accompanying children to have **COVID certificates** as a precondition to attend public events, gatherings and celebrations. Citizens voiced their dissatisfaction with conditioning a child's attendance of children's theatre plays with adults accompanying them having to present a COVID certificate, considering it illegal and discriminatory for children.

Parents complained against the requirement pertaining to children over 16 to present COVID certificates to be able to enter the premises of public-law authorities (e.g. libraries).⁹ Parents also complained against the requirement pertaining to children over 12 to present COVID certificates to be able to enter ice-skating facilities in Zagreb.¹⁰ The Office recommended to the Civil Protection Headquarters to re-examine these requirements because of possible unfavourable effects on children over 16, that is, over 12 years of age. The decision of the Civil Protection Headquarters of the RC on the requirement to present a COVID certificate to be able to enter the premises of public-law authorities ceased to apply as of 1 March 2022, which also includes children over 16. As for the COVID certificate being a requirement for children over the age of 12 to be able to access ice-skating facilities in Zagreb, the Civil Protection Directorate informed the Office that such a measure was adopted in accordance with the recommendations and guidelines obtained from the Croatian Public Health Institute.

Complaints were also related to differences in setting the age limit for mandatory COVID certificates for children when accessing national theatres. The Office requested the Ministry of Culture and Media to review and adopt activities to harmonise the practices of national theatres when setting the said age limit. According to the notification obtained from the Ministry, the organisation of all professional culture and artistic performances, programmes and events, including those organised by national theatres were subject to the requirement that children over the age of 12 present a COVID certificate in accordance with the decision of the Civil Protection Headquarters of the RC pertaining to gatherings.

With regard to school summer holidays in 2021, the Office issued recommendations to the public on the protection of children during that period, again inviting adults to take care of safety and necessary pandemic containment measures when children spend time at playrooms, camps, summer schools and when using transport facilities.

⁹ Decision Introducing the Special Safety Measure of Obligatory Testing for the Presence of the SARS-CoV-2 Virus and Special Safety Measure of Having to Provide Proof of Testing, Vaccination or Recovery from COVID-19 Disease When Entering the Premises of Public Law Authorities, Official Gazette 121/2021 and 10/2022.

¹⁰ Decision on necessary epidemiological measures restricting gatherings and introducing other necessary epidemiological measures and recommendations to prevent the transmission of COVID-19 disease through gatherings

SPORTS



The pandemic has considerably affected the sports activities of children because all training session, children's sports activities and the use of the sports infrastructure was prohibited pursuant to the decisions of the Civil Protection Headquarters of RC.

In addition to **all sports competitions and organised training session being suspended**, gyms, sports, fitness and recreational centres being closed during the first wave of the pandemic and the lockdown, children's and other workshops were also suspended, as well as the work of organised dance schools, not to mention pandemic containment measure to put all children's playgrounds and open sports facilities out of use. For a great many children this meant lack of movement and the transfer of all activities, including classes and spending time with peers online, via a computer screen.

During the lockdown some clubs and sport association organised online training sessions for their members. The Office was contacted by parents alerting the Office to the consequences that the abrupt suspension of training sessions had on their otherwise active children. Fears were raised of how the entire situation with the lockdown will reflect itself on the physical and mental health of children, and assumptions were made that some of these consequences will be felt in the years to come.

The Civil Protection Headquarters of the RC relaxed pandemic containment measures before the summer of 2020, but the beginning of the school year 2020/21 coincided with the second wave of the pandemic, laying new challenges posed by pandemic containment measures before all athletes. The Office received a series of complaints against guidelines from the **Conditions For the Use of School Sports Halls by Outside Users** published by the Croatian Public Health Institute, the Ministry of Science and Education and the Ministry of Tourism and Sports, allowing sports training sessions at school sport halls to senior citizens, while at the same time preventing the organisation of training sessions in which students from different classes or students and other persons could train together. Moreover, children were allowed to train in mixed groups in all other facilities except school sport halls. Therefore, the Office recommended to the authors of the mentioned recommendations to re-examine the conditions for the use of school sport halls by outside users and leave school halls available primarily for physical education classes and for sport clubs for children.

Following the reintroduction of the prohibition of **sport training sessions and competitions** and renewed closing of gyms, fitness centres and sports and recreational centres in November 2020, the Office recommended to the Civil Protection Directorate, the Croatian Public Health Institute and the Ministry of Health to examine how to enable children to participate in sports activities by adhering to all prescribed health protection measures taking into consideration differences in the health hazard for children practicing different sports.

The criticism voiced by the Office against decisions limiting training sessions were directed against the fact that these decisions (except for the category of top athletes) were applied to all sports indiscriminately, regardless whether outdoor or indoor sports, and to all sports activities for all citizens, regardless whether they recovered from COVID-19 or not.

Long period of the lack of organised sport activities for children as a consequence of pandemic containment measures and **inexperience in implementing or different interpretation of measures connected to the organisation of physical education classes**, caused concern over the consequences that strict prohibitive measures would have on children and the society as a whole. Therefore, in January 2021, the Office once again contacted the Civil Protection Directorate, the Croatian Public Health Institute and the Ministry of Health, recommending to re-examine the justification and the effects of applied measures and provide clear guidelines and instructions for children to be included in sports

activities as soon as possible in accordance with the current epidemiological situation. The Office recommended to the Ministry of Tourism and Sports and the Ministry of Health to come up with a plan and a strategy to include physically inactive children in sports and recreational activities. The Office also appealed to leaders of sports associations and sports clubs to act proactively and motivate children to re-engage in sports activities, i.e. to provide for a possibility of gradual re-inclusion in training sessions (via online training sessions, outdoor training sessions, etc.).

Indoor training sessions for children remained prohibited until March 2021. After a short-lived relaxation of measures, in April 2021 training sessions and sports activities for children were restricted again by a new decision of the Civil Protection Headquarters of RC. This decision again showed inconsistency and placed amateur sports (which is for the most part related to children's sports activities) at a disadvantage vis-à-vis top athletes and competition-level athletes, which numerous citizens perceived as discriminating sports, athletes and clubs. Therefore, the Office reiterated its earlier recommendations. A return to sport halls, unfortunately not to school sport halls, was allowed again by the decision of the Civil Protection Headquarters of RC at the end of May 2021.

The Office has observed that the public saw decisions related to sports as inconsistent since sports activities were allowed to the category of top athletes despite the pandemic and risk of contagion.

That concerns about the adverse impact of pandemic containment measures on physical activity of children were justified is clearly indicated in the research conducted by the Ministry of Tourism and Sports in September 2021 in cooperation with the agency Ipsos on the impact of the pandemic of COVID-19 on sports and recreational activities of citizens.¹¹ Research conducted at a sample of 1,000 subjects, among the population over 16 years of age, confirmed that almost 60% of citizens did not engage in physical activity, that 31% reduced or stopped their physical activities during the pandemic, while 11% increased their physical activity, that is, that in overall the pandemic led to a decline in physical activity of 20% in those who did work out. Although the research covered older juveniles and adults, the Office is worried that a large number of children too has given up sports due to a long period of interruption in training sessions and competitions.

Children's rights at the time of the pandemic from the perspective of the Ombudsman for Children, whether the educational system recognises specific needs of children and the importance of physical activity as well as the greatest threats to children's development were the topics discussed in October 2020 at the online symposium *School Sports at the Time of COVID-19 Pandemic*, organised by the Croatian School Sports Federation, which gathered more than 300 participants and teachers of sport education.



The pandemic has **adversely affected the implementation of preventive traffic safety programmes** so the implementation of the bicycle training programme at schools was suspended in 2020 and 2021. The Office of the Ombudsman for Children recommended the Ministry of Science and Education and Education and Teacher Training Agency and the Croatian Automobile Club to invest additional efforts in implementing preventive programs from the segment of road traffic safety at all levels of the education system, especially relating to the bicycle training, in order to prevent that an entire generation of children growing up during the pandemic is stripped of having access to such programmes.

Under the circumstances related to fighting the coronavirus, the Ombudsperson for Children has warned on more than one occasion against the vulnerability of children in traffic and invited adults to protect children **by driving carefully and safely and observing traffic rules**. The Office recommended to all municipalities, towns and counties to step up efforts to ensure, in cooperation with transport com-

¹¹ https://mint.gov.hr/UserDocsImages/2021_dokumenti/210930_mints_istrazivanje.pdf

panies, a sufficient number of vehicles for bus and tram transport, especially in the morning and at times when students travel to and from school in order to ensure physical distance among passengers to be maintained in accordance with epidemiological recommendations. The Office has reminded that the current situation is also an opportunity to deliberate the how strategic management could make roads safer and reduce the number of accidents, and open public surfaces to passengers and cyclists instead of cars, thus contributing to the protection of the environment and healthier life-style.

PROPERTY RIGHTS



COVID-19 pandemic has affected the work and legal status of parents in different ways and consequently the realisation of **children's rights to financial support** from a parent the child is not residing with. Some parents lost their jobs and income due to the pandemic or their income was substantially reduced. In April 2020, the Government of the RC announced amendments to *the Act on the Execution of Monetary Funds*¹², aiming to alleviate the burden of adverse economic effects of the pandemic on natural persons who have a share of their income subject to execution. Although this decision initially raised concerns with parents in connection to its possible effect on child support obligations, in situations when a parent not residing with a child pays child support subject to execution, the property rights of children were protected by the adoption of the *Act on Amendments to the Act on the Execution of Monetary Funds*¹³. An exemption was laid down under which the Financial Agency does not halt the executions of monetary funds of natural persons under execution if the execution is implemented, among other things, to settle claims arising from the right to child support.

SOCIAL AND ECONOMIC RIGHTS



The COVID-19 pandemic and restrictions introduced to prevent contagion additionally increased the pre-existing **social inequality**. The closing of schools and other institutions in 2020 and restricted access to various services, exacerbated the problems such as lack of adequate nutrition, of adequate conditions to follow online classes and participate in leisure activities, lack of professional assistance to children and families, as well as the risk of domestic violence.

It is worrying that during the pandemic numerous families lacked housing conditions that would enable them to adhere to pandemic containment measures, maintain hygiene and distancing measures, as well as technical conditions for work and for their children to attend remote classes. In situations when parents are left without work and means of supporting their families, benefits in the social welfare system should by their amount and scope be tailored to fit the costs of living for families in order to contribute to ensuring children the adequate standard of living. To avoid long-term negative effects of these issues it is necessary to invest more effort and funds in overcoming inequalities among children now and in the future, to provide support to vulnerable families and strengthen the child protection system.

The number of beneficiaries of the guaranteed minimum benefit or one-time allowance did not increase in 2020 and, as the Office has been informed, the government did not provide for specific financial support or specific measures for families with children suffering due to the coronavirus crisis. The Office been informed that the Government, in addition to regular funds for payment of social welfare benefits,

¹² Official Gazette 68/2018, 2/2020 and 46/2020.

¹³ Official Gazette 47/2020.

secured additional funds for potential new beneficiaries of the guaranteed minimum benefit and one-time allowance to mitigate the consequences caused by the corona crisis.

An agreement on the European Social Fund + (ESF+) was achieved at the EU level, with its funds to be invested in the young and in fighting child poverty. Just before the meeting of the European Council on the plan for recovery from the coronavirus crisis and the new EU budget, the Office recommended to Croatia's Prime Minister to advocate the **ensuring of funds necessary for fighting child poverty**.

The Council Recommendation Establishing a European Child Guarantee (The European Child Guarantee) was adopted in 2021, with a view to ensure that every child in Europe, at risk of poverty or social exclusion has access to education, leisure and recreational activities, health care, adequate nutrition and housing and social services.

Under normal circumstances and especially during the coronavirus crisis, it is necessary to ensure ongoing governmental support to resolving the economic problems of families living in poverty and social exclusion, employing, where possible, funds from the European assistance funds for the most deprived.

MEDIA AND RIGHTS OF CHILDREN IN THE DIGITAL ENVIRONMENT



At the very beginning of the COVID-19 outbreak the Office **invited representatives of the media not to report particulars on families and children of those who contracted the disease** and not to disclose information based on which the public could identify children who were in contact with the infected persons. At the end of September 2020, when information on the rising numbers of those infected became more frequent, the Office repeated its appeal for the protection of the privacy of children, addressing not only media reporters but all others who report to the public on the occurrence and numbers of those infected in individual regions (members of the civil protection headquarters, health care workers, headmasters of educational institutions). The appeal for the protection of the privacy of children was also directed at the media via the Croatian Journalists' Association that published our recommendation on its website.

During the time marked by the **pandemic the number of hours children spent online increased** considerably. Experts point to a noticeable increase in the exchange of explicit photographs and videos of children, the reports of potential sexual abuse and exploitation of children and criminal offences of sexual abuse of children on the internet.

The Office has also observed other violations of children's rights in the digital environment: peer violence on social media, the exposure of children to inappropriate content; incentives to engage in risky activities via social media, in particular on TikTok; exposure to various, often negative influences by influencers and YouTubers; violations of the right to privacy; the participation of children in violent computer games; children's addiction to the internet and computer games; health problems arising from the use of the internet, etc. Inadequate responses of some parents and experts are also worrying, as well as an insufficient support provided to children who experienced violations of their rights in the digital environment.

The Office has noticed an increase in parental concern as regards the length of time children spend on the internet. School obligations required children to spend much more time in front of computers than recommended by experts, while parents requested that the scope of their school obligations requiring

computer use be decreased. In addition, younger children required greater parental oversight of their activities on the internet.

The pandemic makes it **even more challenging to raise awareness and teach children about a responsible and safe behaviour on the internet** and to support them if they experience embarrassment or their rights are violated in the online world. The Office identified the need to strengthen the capacities of experts from all fields to better navigate and work in the digital environment. Children, experts and parents should be encouraged to adjust to new circumstances, with emphasis put on the positive aspects of the digital environment in exercising children's rights and the possibilities offered by the digital world.

VULNERABLE GROUPS

14.

14.1 Rights of children with disabilities

The coronavirus crisis has undoubtedly marked the lives of children with disabilities. An exceptionally difficult period for children with disabilities was when subject to pandemic containment measures institutions providing social services for children with disabilities and educational programmes for students with disabilities (such as education centres, rehabilitation centres, etc.) had to close their doors. **Many children with disabilities were left without educational and rehabilitation services and therapy crucial for their development.** This was especially hard on the youngest children participating in the early childhood intervention system, because certain services were difficult or impossible to be provided online. As a result, many experts working with children with disabilities report on the negative consequences of the coronavirus crisis on their development, having noticed that it came to a halt, and in certain areas even to a deterioration in their functioning. It is noteworthy, that some children with disabilities have friends only in institutions where they are schooled so overnight they were left without school, services and friends. On the other side, some of the children with disabilities that are permanently institutionalised were denied parental visits, which has had consequences on their emotional development (especially considering that their difficulties prevent some of these children from communicating with their parents over the phone or via other digital channels).

In the period when pandemic containment measures started relaxing, **the organisation of work in social welfare institutions** adhered to relevant pandemic containment recommendations (reduced number of children, social distancing among children, shift work), which led to a reduction in the scope of individual services provided to children. It was not easy for institutions to organise their work under new circumstances. They had to adhere to numerous instructions of the Civil Protection Headquarters of the RC and the Croatian Institute of Public Health, which differed for the beneficiaries of residential services, the beneficiaries of social services outside institutions and the beneficiaries of educational programmes provided in social welfare institutions. Efforts were invested in exposing children with disabilities to the least amount of stress possible so children that are beneficiaries of residential services were subject to self-isolation and isolation only when positive for COVID-19 or when in close contact with a positive person, while self-isolation was not implemented for children who are the beneficiaries of residential services when returning back to the service provider, as is usually the case for other categories of the beneficiaries of residential services. Nevertheless, the Office became aware of examples of negative practices as part of which individual institutions required additional testing of students (most likely due to concern for the children), which caused additional stress in children and parents.

In addition to access to social services, children with disabilities were **denied many health care services, rehabilitation procedures and treatments.** In accordance with the at hand epidemiological situation and aiming to protect the health of the most vulnerable group of hospital patients, in an effort to prevent the interaction of hospitalised patients and outpatients, as well as therapists and other staff,

during some periods some hospitals suspended or limited all ambulatory therapies provided to children with disabilities, such as sensory integration, work therapy, special education therapy, early intervention, physical therapy, etc. In addition, some hospitals were designated as COVID centres, which additionally contributed to the mentioned reduction in the scope of services provided to or suspension of some services provided to children with disabilities. Also, at some points during the pandemic school classes at hospitals were suspended.

There are still **delays in certain proceedings for the realisation of rights of children with disabilities** caused by the suspension of health care check-ups and expert evaluation proceedings during the lockdown, as well as health care workers having focused on containing the consequences of COVID-19, as a result of which some of their other duties were 'on hold' (e.g. check-ups by school doctors in the procedure of establishing children's physical and psychological status for the purpose of determining the appropriate programme of education for students with disabilities). At the same time, some children, whose rights were reviewed (e.g. the right to disability benefits, status of parent-educator, etc.) lost these rights because at the time of the pandemic and in order to protect the health of the child, parents did not manage to complete all the necessary medical treatments or expert evaluations.

14.2 Rights of national minority children

With regard to national minority children, the consequences of the coronavirus crisis were hardest on the children of the Roma national minority. The implementation of online classes for Roma students intensified all the existing particularities and challenges of the education of the Roma, and the transfer from traditional to virtual classrooms additionally underlined the existing inequalities and increased the risks for Roma students due to their poorer (entry level) knowledge and limited possibilities offered outside school. A special problem faced by Roma students was that the content of the programme of the Croatian Radio Television – School on the Third Channel (*Škola na Trećem*) was not adjusted to the Roma language and script and was too quick, making it very challenging for first-graders with insufficient knowledge of the Croatian language to follow.

In 2020, the Office conducted a survey through the **questionnaire the Protection of rights and well-being of children of the Roma national minority during the coronavirus pandemic and implementation of online classes** in schools having greater number of Roma students in attendance in order to learn of the difficulties they face during online classes. The most frequent difficulties were connected to the existing infrastructure in numerous Roma settlements (no access to the electricity grid and/or internet) and Roma households being poorly equipped for remote learning (lack of tablets and/or the problem of a single tablet being available in a family where multiple children share the same device, no TV device, etc.). At the same time, the weaker support of Roma parents to the education of their children became additionally visible during online classes (insufficient capacity and knowledge, especially in terms of IT literacy, to help children tackle their school tasks; lack of awareness of the importance of education and of the need to regularly participate in online classes).

These difficulties left a mark on the education of children of the Roma national minority, so in 2021 it was necessary to fill in blanks in their knowledge that resulted from online classes during the school year 2020/2021. As regards children who completed their pre-school programmes and the first grade of their primary school online, they are at risk of poorer knowledge of the Croatian language. Therefore the Office considers it necessary to ensure content for additional learning of the Croatian language for Roma students, as well as content and materials and/or additional activities of educational staff and/or advisers of the Education and Teacher Training Agency and the Ministry of Science and Education, as assistance to students and their parents in understanding school materials and completing their tasks.

In comparison to **other national minorities, most problems were present in the implementation of online classes for students of the Serb national minority** because the programme of the Croatian Radio Television – School on the Third Channel (*Škola na Trećem*) was not adapted to teaching children of the Serb national minority. Considering that insufficient consideration was given to tailoring school

materials to speakers of minority languages, the Office recommended to the Government of RC that the Ministry of Science and Education form a special groups for teachers of national minority classes in order to share materials and record video lessons, contributions to be aired etc. in the language and script of national minorities, as well as that more consideration be given to the adjustment of materials in the language and script of national minorities within educational programmes aired on TV should the need for this type of classes arise again.

In addition to school materials for children it is also necessary to take care and adjust various educational and informative materials regarding the observance of general protective measures when succumbing to the disease caused by the coronavirus to the language of a particular national minority.

14.3 Rights of children with behavioural problems

The pandemic has **additionally exacerbated the position of children with behavioural problems** that are placed in homes within the social welfare system due to restrictions of home visitation rights, restriction of rights to leave the institution, as well as restricted visits from authorities overseeing the executions of measures and sanctions, poorer access to doctors (except for acute conditions) which had an adverse effect on their mental health. Some of the children that were released to the care of their families during the pandemic had difficulties in following online classes due to lack of the required equipment or internet connection.

The 2020 research of the Office of the Ombudsperson for Children on the realisation of rights by children with behavioural problems during the COVID-19 pandemic in 12 social welfare institutions that was mentioned earlier showed that in majority of cases homes successfully adapted to the new ways of functioning during the pandemic. However, results showed that online classes were too difficult and too challenging for children with behavioural problems. The increase in the scope of joint activities undertaken with children as a consequence of restrictions on movements during the pandemic proved itself as good prevention of peer violence and escape attempts.

14.4 Rights of children of incarcerated parents

The COVID-19 pandemic adversely affected **contacts of children with incarcerated parents** due to suspension of visits to prisoners in some periods of 2020. The Office recommended to the Directorate for Prison System and Probation to enable video contact and extend the possibilities of phone contact of children with their parents in all penal institutions. The prison system accepted the recommendation and organised video contact in all penal institutions, as well as extended phone privileges during periods when visits were prohibited.

Penal institutions continued to invest in premises for visits to prisoners, video contact equipment and staff training and to implement the education and development programme: Prisoner as a Parent. Most programmes of associations for empowering parenting in penal institutions were not implemented or were implemented in restricted form due to the pandemic.

In the first half of 2021, pandemic containment measures in the penal system were adopted and then relaxed. The recommendations of the Civil Protection Headquarters were implemented so that visits to incarcerated persons in visiting rooms were enabled behind plexiglass partition, while visits to prisoners in semi-open and open spaces were enabled without partitions. In mid-June 2021 measures in the prison system continued to be relaxed pertaining to the temporary suspension of joint religious ceremonies in penal institutions and termination of the temporary suspension of activities provided in penal institutions by civil society organisations (associations). In addition, possibilities for communication with the outside world were extended, the implementation of video contacts continued, whereby advantage was given to prisoners who are parents of underage children.

14.5 Rights of migrant children

The COVID-19 pandemic has considerably affected the lives of **migrant children**, increasing the risk of their exclusion, poverty, stigmatisation and neglect. During the lockdown classes were not held at schools, which affected children seeking international protection who arrived to the reception centre for asylum seekers during this period, leaving them without access to classes. As a result of prohibition for all organisation to enter the reception centre except the *Croatian Red Cross* and *Doctors of the World*, the activities of educational support could not be provided either face-to-face or online due to no WiFi network.

When pandemic containment measures relaxed, individual activities of associations were reintroduced but in a reduced scope. No preparatory classes of the Croatian language were organised during the implementation of online classes, which slowed down the integration of children in the educational system. Families with children that were provided shelter in the reception centre did not have access to free legal aid.

Amid the pandemic, the staff of social welfare institutions that accommodate **unaccompanied children** were faced with fear of potential contagion and difficult working conditions. Newly admitted unaccompanied children had to be placed into self-isolation before obtaining results of coronavirus tests. It was both very difficult for children to accept self-isolation and it was also exceptionally difficult to organise it due to the lack of accommodation capacities. The situation improved when rapid tests were obtained from the competent ministry.

CHILD PARTICIPATION



Immediately after the outbreak of COVID-19 was declared a pandemic, the United Nations Committee on the Rights of the Child recommended that countries should ensure children the right to express their views and that this right should be taken into consideration when adopting decisions on the pandemic. Children should understand what is going on and feel like they participate in decisions adopted in answer to the pandemic.

The issue of publicly **communicating with children on COVID-19** can also be linked to the attitude towards the participation of children in our society. It can be concluded that children are not included in discussions connected to decisions impacting their lives, such as the organisation of classes, the organisation of the national graduation exam, the purposefulness of certain pandemic containment measures, etc.

The pandemic has also impacted the cooperation and meetings of the Office of the Ombudsman for Children staff with children, that constitutes an essential part of the work of the Office. In compliance with pandemic containment measures the Office held online meetings with members of the Network of Young Advisers to the Ombudsman for Children (NYA) and other meetings and consultations from schools and other institutions and organisations for children and the youth. Although this cannot replace live meetings, such meetings have convinced Office staff that face-to-face meetings with children cannot be postponed by waiting for safer post-COVID times. but that the Office need to find new ways of establishing direct communication with children. For children this was the opportunity to learn more about children's rights and the work of the Ombudsperson for Children, while for the Ombudsperson it was an opportunity to be informed in direct contact how children lived, how they found school, whether they were satisfied with the conditions in their surroundings, what their needs and wants were.

16 CONCLUSION



The pandemic of the coronavirus will be long remembered by numerous children whose lives have completely changed because of it. Children's schools and kindergartens closed overnight and their homes became their temporary classrooms and offices for their parents. Returning to schools and kindergartens they all faced the new organisation of work subject to pandemic containment measures. Playing at kindergarten, classes at school, excursions, times spent with friends ... everything changed! And children adapted to new circumstances boldly and quickly.

Since the second half of the school year 2019/2020 to date **the educational system has faced numerous challenges** in ensuring the uninterrupted realisation of all the necessary educational tasks of in accordance with children's needs but also the protection of their health and wellbeing. Visible efforts were invested in the educational system that children spend as much time as possible at school.

The introduction of online classes made it difficult for children who lacked conditions to follow online and TV classes to realise their right to education. School moving to the internet and TV sets also required quite an adjustment in the work of teachers, many of whom did not enjoy sufficient support of the educational system in the process. The pandemic requires additional efforts to be invested in providing increased support and monitoring of the success in the implementation of online classes. Experiences thus far have demonstrated that online classes cannot meet all children's needs and educational objectives and tasks.

The period of the pandemic **was also marked by some parents and educational staff opposing the implementation of pandemic containment measures at school**, sometimes resulting in protests that also included children. In overcoming the numerous challenges posed by the pandemic, quality cooperative communication between parents, educational and health care workers is key.

The transparency of the entire process, from the adoption of instructions and recommendations, reasons for their adoption, to their publication and communication to educational institutions, but also to parents and students, is a necessary precondition for acceptance and understanding of the importance of adherence to measures in order to eliminate all ambiguities and dilemmas regarding their application.

Regardless of exceptional efforts invested by health care workers, the coronavirus pandemic affected **health care rights of children** in terms of availability, conditions under which health care services were provided and insecurity regarding cancelled appointments. The pandemic only underscored the ongoing, years-long problem of the insufficient number of mental health professionals working with children and the unavailability of professional psychological assistance for children living outside major towns, given the increased need for such assistance. **The protection of the mental health of children** should be ensured in the long-term, systematically and continuously through easily accessible services for the protection of mental health in the community. The pandemic has especially underlined the need for systematic psychological support to children to be provided within the educational system, at schools.

Pandemic containment measures that were adopted to contain the spread of the pandemic caused some parents to feel mistrust and agitation and contributed to them being additionally worried. It is necessary to award special attention to the manner in which messages regarding the vaccination of children, wearing of protective masks, maintaining of physical distance and maintaining of other protective measures are communicated to children and parents.

The manner in which different services for children are accessed changed substantially, as well as the manner in which different institutions collect data on children and communicate with parents or guardians of these children and the public, which often leads to misunderstandings and even mistakes det-

mental to children. It is important for the media to refrain from reporting that could harm children, to adhere to the highest professional standards in connection to reports that include children and to always respect their privacy and dignity.

Domestic violence increased during the pandemic, especially in families that already lived under risk circumstances. Due to the special organisation of work implemented by institutions in the various stages of the pandemic, assistance to parents from social workers regarding the exercise of parental care was less accessible, with the result that parental conflicts about issues relevant for their children became even more pronounced.

The effects of the COVID-19 pandemic were especially negative for the lives of **children with disabilities** and children of the Roma **national minority**. Although systems are aware of the difficulties, the measures and activities undertaken have still not led to the positive outcome for these groups of children. It is necessary to invest greater efforts, both at government and at local level, in order to, drawing on the experience from the pandemic, design successful measures and programmes that will efficiently address the needs of Roma children in these challenging times.

The lack of comprehensive, quality and equally accessible early intervention services for children with disabilities is still noticeable. Additional investments in the professional training of educational staff in the system of primary and secondary school education with an aim to raise the quality of implementation of appropriate forms of education for students with disabilities, which became especially evident during online classes. For years now, the Office has been drawing attention to **the needs of children with behavioural problems** who are not provided the support they require, which causes additional problems in their upbringing.

The increase in time children spend on the internet has led to the increase in the abuse of children on the internet. At the time of the pandemic it is even more **challenging to raise awareness and teach children about responsible and safe behaviour on the internet** and to support them if they experience embarrassment or their rights are violated in the online world. It is necessary to set up a framework for empowering children to report violence they are exposed to but also to ensure that victims of criminal offences are provided with assistance and protection at all times. It is also necessary to strengthen the capacities of experts from all fields to better navigate and work in the digital environment.

The coronavirus crisis has also affected children's **cultural rights and children's leisure time**, especially during the period when training sessions and sports activities of children were suspended, as well as their use of sports infrastructure. The Office is concerned since before the pandemic because of estimates and data on large numbers of physically inactive children. It is necessary to include children in **sports activities** in accordance with the current epidemiological situation and prepare a plan and a strategy for including physically inactive children in sports and recreational activities. Even after the measures were relaxed some cultural and other content provided during leisure time remained inaccessible to some children due to their parents opposing the requirement for adults and children above certain age to hold a COVID certificate.

Numerous restrictions, introduced to contain contagion, additionally increased the already present **social inequality** of children, warranting the investment of further efforts to tackle inequality, provision of support to vulnerable families and strengthening of the system of child protection. Greater efforts are needed to mitigate the adverse effects of poverty on children, especially given the information that every fifth child is under the risk of poverty.

The right and the principle of child participation is mostly not understood by adults and is accepted mostly on a declaratory basis. Systematic education of professionals working with children is necessary regarding the implementation of this right. The Network of Young Advisers to the Ombudsman for Children (NYA) asserted itself in online meetings as active and creative and continuously motivated for cooperation and discussions with adults. This confirms that even during the corona crisis dialogue with

children and the youth should not be interrupted, especially in addressing issues that concern them. Children can contribute to finding better solutions, but this will not come by itself. They need to be seen, heard and included.

The process of crisis management and management of the coronavirus pandemic has taught us how important cooperation is and respecting the opinions of different professions in adopting key decisions involving children. Although reactions of the government were swift and timely in many situations, the Office has nevertheless observed that not enough has been done to include the rights and opinions of children themselves in addressing everyday problems that concern children. The Office is aware that this is sometimes hard in crisis situations requiring speedy response. However, if child participation mechanisms continue to be developed, then it will not be difficult to embed them in crisis situations. To the contrary, this will demonstrate that the participation of children may contribute in facing dynamic challenges of today and in resolving new problems we face.