



Convention on the Rights of the Child

Distr.: General
25 October 2013

Original: English

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Combined third and fourth periodic reports of States parties
due in 2008

Croatia*

[27 July 2011]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

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Introduction

1. In accordance with obligations arising from the ratification of the *United Nations Convention on the Rights of the Child* (hereinafter: the Convention), the Republic of Croatia as a state party, in accordance with Article 44, Paragraph 1 (b), is obliged to submit periodic reports on the state of the rights of the child to the United Nations Committee on the Rights of the Child (hereinafter: the Committee). Based on the Concluding observations of the Committee on the Second Periodic Report (CRC/C/15/Add.243), this Report combines the Third and the Fourth Periodic Reports of the Republic of Croatia on the Implementation of the Convention on the Rights of the Child (hereinafter: the Report), and is submitted for the period from June 2004 to November/December 2010 (hereinafter: the reporting period).

2. The Report was produced in accordance with the General Guidelines of the Committee (2005) related to the arrangement and contents of periodic reports that state parties must submit in accordance with Article 44, Paragraph 1 (b) of the Convention, appendix to the General Guidelines and Recommendation of the Committee on the Second Periodic Report (whereby we adhered to the suggested length, i.e. 120 pages). Please note that we also took into account the new General Guidelines from 23rd November 2010 in a way that, when possible, regarding the moment of the text finalisation, we complemented the Report with some new information. We also, respecting the fact that the Common core document has not been produced, and following the interpretation of items 7-10 of the new Guidelines, chose to deliver the Appendix (in order to avoid overloading the Report) with certain elements that must be contained in the Common core document (Appendix 1). The Report was produced by an expert Working group consisting of the representatives from the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, Ministry of Foreign Affairs and European Integration, Ministry of Interior, Ministry of Justice, Ministry of Science, Education and Sports, Ministry of Health and Social Welfare and the Croatian Bureau of Statistics. The Report was considered and adopted at the last session of the Council for Children whose members are also representatives of eminent civil society organisations engaged in the protection of the rights of the child. The overall civil society and wider public will be familiarised with the presentation of this Report, i.e. recommendations of the Committee, in special events that will be organised for this purpose. Recommendations will be published on the websites of the competent bodies, and their implementation will be monitored regularly, especially by their inclusion into new national documents.¹

¹ All references to the masculine gender in this report shall be taken to include the feminine.

I. General measures of implementation

A. Provisions in national legislation and strategic documents that guide the exercise of the rights of the child (arts. 4 and 41)

Recommendations² Nos. 9, 10 (a) and (b), 11 and 12

3. In the reporting period, and with the aim of acceding to the European Union (hereinafter, the EU), a range of activities were undertaken for the purpose of harmonising legislation with the EU *acquis* and with the principles and the provisions of the Convention and other international documents.

4. In this context, an overview of the information is provided on the status of regulations protecting the rights of the child and the information on new acts and strategic documents from this area. Detailed explanations of individual provisions of these regulations or their amendments can be found in appropriate areas.

Overview of legislative regulations

5. The new **Family Act** from 2003 (amended in 2004 and 2007), whose full application was delayed until 2006 due to preparation and organisation of courts for its application, improved material justice and process justice provisions on children maintenance and changes were also made in the part determining presumptions for establishing adoption in a way that the upper age limit for adopters was abolished and the Act allows for the possibility that due to specially well-founded reasons the adopter can also be a person aged below twenty one years of age. The Working Group for Drafting the Analysis of the Family Act Application Impacts was also established, which will make recommendations for its improvement.

6. According to the amended provisions of the **Act on Children's Allowance** (2006), from 1st January 2007, the right to receive children's allowance was expanded also to the beneficiaries whose monthly income per household member does not exceed 50% of the budgetary base for 2007 and 3 income classes were introduced (instead of the current 2), based on which the base amount of the allowance per child is determined. In line with these changes, the lowest amount of the children's allowance was raised from HRK 166.30 to HRK 199.56. Moreover, The Act on Children's Allowance stipulates that the beneficiaries, in addition to the determined amount of children's allowance, also receive the supplement in the amount of HRK 500.00 for third and fourth child. This supplement is not received on the basis of the number of children born, but on the basis of the determined number of children for which the beneficiary receives allowance. The children's allowance has a threefold role: preventing poverty and social exclusion of children, maintaining or raising the quality of family life and pro-natal direction.

7. Until 2009 protection of maternity and regulation of rights exercised by employed parturient women and parents in this part, were regulated by the **Labour Act**. The Act stipulated the maternity leave for employed mothers until the child's first year of life, and for mothers who gave birth to twins, third and every subsequent child, until the child's third year of life, the mother's right to a breastfeeding break was introduced, the right to work shorter working hours due to an increased care for the child until the child's third year of life, the right to an unpaid leave until the child's third year of life, the right of parents of a

² The recommendations mentioned in this report refer to those contained in the Committee's concluding observations on Croatia's second periodic report (CRC/C/15/Add.243) adopted on 1 October 2004.

child with developmental difficulties to use a leave or work shorter working hours until the child's seventh year of life and the right of parents of children with developmental difficulties to work shorter working hours even after this age. The child's father has a possibility to use a parental leave after the mandatory maternity leave is completed, i.e. after the completion of the first six months of the child's life. The right to adoption leave and rights of guardians were also prescribed, and special attention was given to the protection of employed pregnant women and mothers until the child's third year of life. The new Labour Act (effective from 2010) prescribes: prohibition of unequal treatment of pregnant women, the protection of pregnant women, and women who breastfeed the child, the presumption of working full time, the notice and exercise of rights, prohibition of dismissal, the right of workers to terminate the employment agreement by an extraordinary notice and the right to return to previous or appropriate position.

8. Amendments to the *Act on Maternity Leave for Self-employed and Unemployed Mothers* (2004) raised the maternity benefit for all unemployed mothers from HRK 900.00 to HRK 1,600.00, and for employed mothers, during the additional maternity leave until the child is aged one year, it was raised from HRK 1,600.00 to the amount of HRK 1,600.00 to 2,500.00. Also, maternity leave for unemployed mothers was prolonged from the child's six months to its one year of age, and all mothers who gave birth to twins, third and every subsequent child, are enabled to use the maternity leave until the child is aged three years.

9. The *Act on Maternity and Parental Benefits* (effective from 1st January 2009) makes further positive steps in the development of family and population policy:

(a) The use of parental leave was enabled to both the mother and the father of the child in all categories of beneficiaries (employed parents using the rights to maternity/parental leave, parents having other income, agricultural workers and unemployed parents exercising the right to maternity/parental exemption from work and parents outside the labour system exercising the right to maternity/parental care). After the mandatory maternity leave/ maternity exemption from work/ maternity care for the child, which last until the child is aged 42 days, the right to maternity leave/ maternity exemption from work/ maternity care may be transferred to the child's father. The duration of parental leave/ parental exemption from work/ parental care for the child is 6 months, for the first and second born child, or 30 months for twins, third and every subsequent child. For employed and self-employed parents this is a personal right that may be used by both parents in equal parts and individually – mutually – simultaneously or alternatively, according to a free agreement and under the condition that the right to parental leave is not used by only one of the parents. If the child's father uses the right to parental leave in the duration of not less than three months, the parental leave is extended for two months. Unemployed parents and parents outside the labour system may use parental leave under the condition of the same labour legal status of parents and with the written permission of the mother;

(b) It is prescribed that all mothers/parents have the right to the maternity and parental benefit regardless of the labour and legal status at the moment of the child's birth;

(c) Employed parents are enabled to use parental leave flexibly until the child's eight year of life, in a way that they may use it in the form of shorter working hours, simultaneously by both parents or alternately, according to the mutual agreement;

(d) The right of mothers/parents who realise other income, of agricultural workers and unemployed parents was ensured to receive the maternity and parental exemption from work and to receive the cash benefit during the exercise of these rights;

(e) Unemployed mothers who use the right to the parental exemption from work have the right, in case of employment, to transfer this right to the other unemployed parent,

or the unused portion of the right to the parental exemption from work may continue to be used in case of a new unemployment;

(f) The right to receive cash assistance during the maternity and parental care for a newborn child is realised also by a mother/parent outside the labour system;

(g) For all mothers/parents, the benefit during the period of exercising rights to maternity and parental leaves may not be lower than 50% of the budgetary base, i.e. HRK 1,663.00, regardless of the labour and legal status, possible amount of salary or work in the full, part-time or shorter working hours;

(h) Payment of a onetime cash assistance for a newborn baby layette was ensured, in the amount of 70% of the budgetary base; and

(i) The amount of the benefit was increased during the use of the parental leave in the duration of 6 months from the current HRK 2,500.00 to 80% of the budgetary base, i.e. HRK 2,668.20. Amendments to this Act are planned, that will contribute to harmonisation of the legislation with the EU *acquis* and enable a more efficient protection of pregnant workers, workers who recently gave birth and workers who breastfeed the child, and which will eliminate terminological inconsistencies with regulations in the field of labour and occupational safety.

10. Amendments to the *Act on Obligatory Health Insurance* (2008) abolish the limit in payments of benefits for mandatory maternity leave, which means that the salary for the mandatory maternity leave, calculated in the amount of 100% of the benefit base, may exceed previously effective amount of HRK 4,257.28. By-laws adopted on the basis of this Act extended the rights related to children.

11. The social welfare system is defined by the *Act on Social Welfare* (1997) as the fundamental act that regulates the manner of performing and funding social welfare, beneficiaries, rights, procedure for exercising these rights, and other issues significant for this activity. Based on the amendments to the Act of 2006, family centres are established and the inspection supervision is introduced. The amendments from 2007 achieved the following goals: decrease in the number of rights by their unification; better targeting of rights through more precise definition of conditions for their exercise; simpler access of beneficiaries to the rights; better inclusion of beneficiaries by introducing the right to the status of a parent carer; better inclusion of beneficiaries by introducing new contents into the right to care outside own family; better inclusion of beneficiaries by introducing new contents into the right to assistance and care at home – professional assistance in families (patronage); and improvement in the quality of professional work by offering a possibility to establish professional chambers of professionals in social welfare. Adoption of the new Act is planned that would contain new criteria for realising social assistance and services, establishing quality standards for social services, conditions for conducting the deinstitutionalisation and developing new deinstitutionalised social welfare services, and selection of and improvement in services that a beneficiary may realise in social integration processes.

12. The *Act on Foster Care* (2007) ensures a more detailed and better regulation of foster care as a way of providing care services outside own family – the number of children that may be placed in one foster family is reduced, personal benefit for foster parents was prescribed, etc.

13. The *Act on the Rights of Croatian Homeland War Veterans and Their Family Members* (2004) prescribes the rights of the Homeland war victims, i.e. Croatian veterans and their family members.

14. The *Act on the Amendments to the Act on Pre-School Education* of 2007, which is fully harmonised with the EU legislation, enables also foreign physical and legal persons to establish kindergartens in the Republic of Croatia.

15. The *Act on Primary and Secondary School Education* of 2008 (amended in 2009 and 2010), which replaces the then effective Act on Primary Education and Act on Secondary Education, regulates the activities of primary and secondary education in public institutions. The Act regulates the harmonised system of external assessment and self-assessment for the purpose of an efficient educational system quality control, to which new solutions of the professional education and in-service training of teachers, staff associates and principals will also contribute, especially by introducing the licensing system.

16. The *Act on Primary and Secondary School Textbooks* (2010) introduces textbooks of better quality, reduces the number of textbooks per subject and generally in schools, allows the possibility that several generations use same textbooks.

17. The *Act on Vocational Education* (2009) is the first legal regulation that regulates the vocational educational system – it enables the development of qualifications based on competencies and learning results, introduces a modern system of vocational qualifications, permanently harmonises vocational education with needs of the labour market and builds a system of vocational education and training that enables life-long learning and mobility.

18. Children in criminal law enjoy an increased criminal justice protection, and numerous changes in criminal legislation (especially from 2006) contributed to an increased protection of children and juveniles. We emphasise the definition of hate crimes, introduction of launching criminal proceedings by official duty for certain crimes, increased criminal justice sanctions for perpetrators of criminal acts against marriage, family and youth, as well as against sexual freedom or sexual morality. As a part of adopting the new *Penal Code*, further harmonisation with international documents will be considered (the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, etc.).

19. The *Act on Misdemeanours* (2007) replaced the then effective Act on Misdemeanours of 2002.

20. Amendments to the *Act on Juvenile Courts* (1997) are also being drafted that will, among other things, take into account changes in the field of criminal legislation.

21. For the first time, sanction execution is regulated by a separate act and thereby in 2009, the *Act on Execution of Sanctions Imposed to Juveniles for Criminal Acts and Misdemeanours* was adopted, that regulates the execution of sanctions imposed to juveniles and young adults: in the criminal proceedings (educational measures, juvenile prison sentence and safety measures) and misdemeanour trial (educational measures, juvenile prison sentence and protective measures). This Act guarantees protection of fundamental rights to juveniles and prescribes the manner of exercising their legal protection.

22. The new *Act on Criminal Proceedings* of 2008 (amended in 2009) is partially applied for certain severe criminal acts, while it will be fully applied from 1st September 2011. The main characteristic of this Act is the new arrangement of the position of main subjects in the criminal proceedings (court, authorised plaintiff and defendant) and abandoning the system of a court and transition to a state attorney investigation. A significant step forward was made in the protection of the victim in the criminal proceedings in a way that it introduced the victim among the participants in the procedure with special rights, whereby the terminological definition of the victim in international sources and foreign legislation were taken into account. The victim has special rights as the

criminal act violated their right, it did not (only) incur damage. The Act introduces certain duties of the criminal proceedings bodies in the treatment of the victim, and the legal position of the victim is differentiated also according to some personal characteristics (child, juvenile, victim of a criminal act against sexual morality). With this aim, the right to respect the privacy of the victim as a person who already lived through a trauma caused by the criminal act perpetrated was regulated, in order to prevent or at least reduce the secondary victimisation by an inappropriate treatment during the procedure.

23. The *Act on the Protection against Family Violence* (2009) was adopted respecting the need to improve the work of all bodies that are obliged to act under this Act and the Rules of Procedure in Case of Family Violence, for the purpose of providing a more efficient protection to family members and especially for the purpose of its harmonisation with international documents. Additional attention is paid to children and persons with disabilities and the perpetrator, who commits violence in the presence of children or against them, is punished by a more severe punishment. Also, the definition of domestic violence further elaborates the notion of "economic violence"; definition of family was extended to former marital and extramarital partners, their children and their common children, if the termination of marital or extramarital union was prompted by former marital or extramarital relations. Respecting the need for a more efficient protection of children, the violence definition specially elaborates corporal punishment and all other forms of degrading treatment of children for educational purposes. If the victim is a child, the obligation of the competent court is prescribed to inform the social welfare service on launching the misdemeanour trial, for the purpose of taking measures to protect the rights and well-being of the child.

24. The *Act on Drug Abuse Prevention* of 2001 (amended in 2002, 2003, 2004, 2007 and 2009) determines measures for prevention of drug abuse, a system for the prevention of addiction and a system for assistance to drug addicts and occasional drug users. The amendments improved the work of the system for the drug abuse prevention in the fields of the addiction prevention, early detection of drug users and intervention, harm reduction, treatment, rehabilitation and social reintegration of addicts.

25. The *Act on Police Affairs and Authorities* (2009) prescribes that police authority towards juvenile persons, young adults and in cases of criminal justice protection of children and juveniles is applied by specially trained police officers, whereby they are obliged to take into account the protection of the best interest of the juvenile and the protection of their privacy. The police authority toward a juvenile is applied in the presence of a parent or guardian. If the parent or guardian is a possible perpetrator of the criminal act or misdemeanour against the juvenile, the police authority is applied in the presence of a professional from the social welfare centre.

26. The *Asylum Act* (2007) replaced the first Act of 2003. It prescribes principles, conditions and procedure for granting the asylum, approval of subsidiary and temporary protection, the status, rights and obligations of the asylum seekers, foreigners under subsidiary protection and foreigners under temporary protection, and conditions and procedure for the annulment and termination of the asylum, subsidiary and temporary protection. The amendments to the Act from 2010 ensure full harmonisation of the asylum legislation with the EU *acquis*.

27. The *Act on Foreigners* of 2007 (amended in 2009) replaced the Act of 2003 and prescribes the conditions for entry, movement, residence and work of foreigners in the Republic of Croatia.

28. The *Act on Road Safety* of 2008 (replaced the Act of 2004) contains a number of provisions that additionally improve the safety of children in traffic.

29. The *Act against Discrimination* (2008) ensures for all citizens, and thereby also for children, equality and prevents putting them into an unfavourable position. For the first time, the central body for the prevention of discrimination is determined – Croatian Office of the Ombudsman, and three specialised ombudspersons (for children, for persons with disabilities and for gender equality) are authorised to act under provisions of the Act within their jurisdiction. Amendments to the Act are planned, which harmonise the Croatian legislation with the EU *acquis* and further elaborate exceptions from the discrimination prohibition, in accordance with the comments of the European Commission experts, and correct some deficiencies in the existing Act, especially in the field of sexual harassment.

30. The *Act on Gender Equality* of 2008 (replaced the Act of 2003) additionally expands obligations in the field of education on issues of gender equality as an integral part of the system of education and life-long learning.

31. The *Act on Free Legal Aid* (applied from 2009) ensures professional aid to the social and economically vulnerable category of citizens in the form of professional representation before court and other public authorities, with the financial support from the state when dealing with their existential issues in these procedures, and especially when they involve the protection of children and young adults. Legal aid is determined as primary or secondary, and as providers of legal aid, lawyers, associations, trade unions and law clinics are foreseen, whereby individual forms of legal aid for enlisted providers are defined and thus the practice of the majority of EU states was adopted. As beneficiaries of free legal aid, children in procedures related to exercising the rights of the child to maintenance and children foreigners found unaccompanied by a parent or legal representative are foreseen.

32. The *Labour Act* of 2010 (as the general regulation that regulates work relations), contains provisions on legal regulation of the juvenile labour and institutions of their protection (the lowest age for employment, defining when a juvenile is capable for concluding and terminating employment agreements, prohibition of juvenile labour in jobs harmful for safety, health, moral or their development, prohibition of overtime work for juvenile workers, prohibition of juvenile work in redistributed full working hours, that would last for more than eight hours a day, as well as prohibition of juvenile night work). The Act is fully harmonised with the Council Directive 94/33/EC on the protection of young people at work.

33. The *Media Act* of 2004 (replaced the then effective Act on Public Communications) among other things, regulates the protection of children, youth and family in the part of exercising the rights to privacy and protection of identity, but also contains offence provisions for legal and physical persons in case of violating the rights of children and youth.

34. The *Act on Electronic Media* of 2009 (replaced the Act of 2003) is harmonised with the Audiovisual Media Services Directive 2007/65/EC. Special attention is given to the protection of children by controlling programme contents that may jeopardise their physical, mental and moral development. The Council for Electronic Media conducts the procedure for determining disobey or violation of the Act on Electronic Media and issues warnings in case of disobeying the provisions of this Act and/or submits indictment proposals.

35. The *Act on Audiovisual Activities* (2007) regulates performing, organising and funding audiovisual activities whereby special care is given to the protection of children and youth, equality of genders, races and national minorities.

36. The *Act on Personal Data Protection* of 2003 (amended in 2006 and 2008) regulates the protection of personal data on physical persons and supervision over gathering, processing and using personal data. Personal data, related to juveniles, may be

gathered and further processed in accordance with this Act and with special protective measures prescribed by special acts.

37. By the *Act on the "Croatia for Children" Foundation* (2008) this non-profit foundation was established, for the purpose of raising funds with the aim to develop a desirable pro-natal trend and strengthen families with multiple children, as well as sensitising the society in relation to the need to improve the quality of family life of large families.

38. The *Act on Youth Councils* (2007) is the first act on youth that regulates establishment and activities of youth councils with the aim of active inclusion of youth into the public life. Youth councils suggest and give opinions to the representative body of local and regional self-administration, propose adoption of decisions, programmes and other by-laws significant for improving the position of youth, and participate in the preparation and monitoring of the implementation of the local programme of action for youth.

39. The *Act on Volunteering* (2007) for the first time regulates the field of volunteering thereby contributing to the faster development of civil society.

Overview of strategic and other documents

40. Following the *National Programme of Action for Children in the Republic of Croatia* (1998) and Priority activities for the welfare of children 2003-2005, a new document, the *National Plan of Activities for the Rights and Interests of Children from the Year 2006 until the Year 2012* was adopted, in which recommendations by the Committee to the Second Periodic Report under the Convention were incorporated. The main goals are defined through 14 fields of action: Education, Health, Nutrition, Role of family in upbringing and educating children, Social welfare, Children with developmental difficulties, National minority children, Children – victims of trafficking, Children with special needs, Abused and neglected children, Children victims of war and war consequences, Leisure time and culture of children, Media and strengthening the implementation of assumed international obligations of the Republic of Croatia in the field of children's rights.

41. The main goals of the National Plan are as follows: improve the quality of satisfying children's needs in all fields; improve the rights and improve the position of children; determine obligations of competent bodies and other factors that participate in their work in the protection of rights and interests of children; determine forms, manner and contents of the cooperation of competent bodies and other factors that participate in their work in the protection of rights and interests of children, and improve a partnership relation and harmonised action of competent government bodies and civil society organisations; establish a better cooperation in the implementation of measures in local communities; ensure sufficient number of professionals in competent government bodies that will work on the protection of the rights and interests of children and include children into decision-making related to exercising the rights and interests of children.

42. In the implementation of the total of 124 measures, all competent bodies of state administration, local and regional self-administration units, media and civil society organisations are included, which act programmatically with the aim to improve the position and protection of children's rights. For a systematic monitoring of the National Plan implementation, the Council for Children is responsible, and the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity is the implementation coordinator. On the basis of regular annual reports, it is obvious that a significant progress has been achieved and that the greatest portion of the measures was implemented in the

planned period, while other measures are continually implemented. In 2008 and 2009, HRK 1,175,464,823.85 was spent for the implementation of the measures.³

43. The *Plan of Programme Activities of the Croatian Government (hereinafter: the Government) and UNICEF 2007-2011*, confirms the cooperation of the Government and UNICEF, and the document adds to the national documents from the field of the protection of the rights and interests of children.

44. The *National Strategy for the Prevention of Behavioural Disorders among Children and Youth 2009-2012* aims to improve the system for the efficient elimination of the risks related to the emergence of behavioural disorders. The National Strategy contains 4 fields: Phenomenon research, Improvement in the system for the prevention of behavioural disorders among children and youth, Strengthening families and Strengthening local community. The Report on its implementation shows that during 2009, all activities of competent state administration bodies were implemented, that had to be implemented in 2009 or continuously.

45. In addition to the existing *Programme of Activities for the Prevention of Violence among Children and Youth* (2004) a targeted, one-year *Programme of Activities for the Prevention of Violence among Youth for 2009* was also adopted for the purpose of preventing emergence of new cases of violence, education of professionals who work with them, raising awareness of public, parents and youth on the harmfulness of violence, implementation of activities of preventive professional social and pedagogic work aimed at youth and their parents. The Report on its implementation shows a successful implementation of the Programme of Activities measures in 2009. Continuous activities in this field are continued.

46. *Rules of Procedure in Case of Violence among Children and Youth* (2004) are based on the contents and obligations prescribed by the Programme of Activities for Prevention of Violence among Children and Youth and contain obligations of competent government bodies and other factors and the generally accepted definition of violence that includes "peer violence", which, in addition to events with criminal act elements (criminal acts and/or misdemeanours), also includes events of "conflict" in which characteristic of a criminal act are not present. The Protocol contributed to solving obscurities related to term "violence among children and youth" and a more appropriate procedure in case of violence among children and youth.

47. Following the *National Program of Action for Youth 2003-2008 the new National Programme for Youth 2009-2013* was adopted with the purpose to improve overall activities that contribute to solving youth's needs and improving the quality of their life, relating to youth aged between 15 and 30 years. It contains 7 fields: Education and informatisation, Employment and entrepreneurship, Social policy, Health protection and reproductive health, Active participation of youth in society, Youth culture and leisure time, Mobility, information and counselling. Annual reports to date show that in all fields of action, activities that contribute to the improvement in the quality of youth life were realised or were continually implemented.

48. The *National Population Policy* (2006) was adopted with the aim to terminate further negative demographic processes and it especially encourages the development of institutional and extra-institutional services aimed at families and children and encourages families to build own resources for overcoming everyday challenges. It contains the following fields: Sustainable economic development, fundamental and developmental

³ Note: amounts are expressed in HRK (counter value in EUR at the date of the report – exchange rate of the Croatian National Bank).

presumptions; Family benefits system; Tax relieves; Family and work life harmonisation; Care for children; Health protection of the mother and the child; and Sensitisation and informing. Measures prescribed by this document were applied directly and continuously.

49. Special importance of the *National Strategy of the Protection against Family Violence 2005-2007* is seen in introducing, to all competent bodies, the obligation to investigate, prevent and process all forms of family violence; preventive action, providing assistance and informing on the family violence issues; ensuring a systematic and planned combat against family violence and contributing to the realisation of the gender equality policy. The new strategy for the period 2008-2010 contains 6 fields: Education of experts working in the field of protection against domestic violence; Psychosocial treatment of perpetrators of family violence acts; Analysis and implementation of the Acts from the field of the protection against family violence; Shelters and support to victims of family violence; Improvement in the status of the victim in procedures in which they participate and Sensitisation of the public to the problems of family violence. Measures of these strategies were directly and continually applied. The new strategy Draft for the period 2011-2016 is in the Government procedure, which will introduce a number of measures prescribing the protection of children, for example, measures directed to the development and provision of professional care on the needs of each child having an experience of exposure to family violence, development and implementation of primary violence prevention programmes in partner relations in the youth population and ensuring accessibility of psychosocial treatment for children and youth traumatised by violence.

50. *Rules of Procedure in Case of Family Violence* of 2005 (amended in 2006) contains a number of precisely defined measures for competent bodies in their actions, forms, contents and manner of cooperation of the bodies taking part in detecting and preventing the violence and providing assistance and protection to the person exposed to any form or modality of family violence (police, social welfare centres, medical and educational institutions, juridical bodies). The Rules of Procedure pays special attention to actions of competent bodies toward children victims or witnesses of committed family violence.

51. The *National Programme for the Prevention of Human Trafficking 2005-2007* pays special attention to the prevention of child trafficking, regarding children as a separate, especially vulnerable group. The *National Plan for Combating Trafficking in Children* of 2005 is adapted to specific needs of children victims of human trafficking. *The National Plan for Combating Trafficking in Human Beings 2009-2011* represents a continuation of activities of all competent institutions in this field and improvement in the established system and foresees a number of measures that directly relate to the protection of children as a vulnerable group. The workflow of activities in kindergartens, primary and secondary schools in the field of the protection of rights and interest of children victims of human trafficking as an especially vulnerable group was also produced. The *Protocol on Identification, Assistance and Protection of Human Trafficking Victims* of 2008 (amended in 2010) elaborate the national reference mechanism in detail, as well as obligations of bearers within the system of human trafficking prevention. The Protocol prescribes that the guardian of a child, identified as the victim, has the right, following the consent by the social welfare centre, to decide on participation in the programme of assistance and protection within 90 days, taking into account the best interests of the child and respecting his/her opinion. The purpose of the *Rules of Procedure on Voluntary Return of Human Trafficking Victims* (2009) is determining the procedure and obligation bearers at victim's voluntary return.

52. *Rules of Procedure with Children Separated from Parents – Foreign Citizens* (2009) regulate mutual cooperation and individual obligations of competent bodies in situations when an unaccompanied child is found.

53. Measures and programmes of addiction prevention, directed towards children and youth, are integrated into the *National Drug Control Strategy in the Republic of Croatia 2006-2012* which foresees adoption of multi-annual implementation Action Plans. In accordance with the *Action Plan on Drug Abuse Control for the period 2009-2012*, in 2010, the *National Programme for the Prevention of Addiction for Children and Youth in Educational System, and Children and Youth in Social Welfare System 2010-2014* was adopted, aimed at equalising and building a preventive system on the national level, and ensuring a coherent and continuous implementation of prevention programmes that need to be equally accessible to all children and youth. It contains 4 sub-programmes: programme of prevention of addiction for pre-school children, school children, university students and children and youth in the social welfare system. By adopting this programme, the role of educational institutions, teachers and coordinators of school prevention programmes was strengthened, and at the level of regional self-administration, a more important role is given to county coordinators and county committees.

54. The *Education System Development Plan 2005-2010*, is a strategic development document aimed at directing the overall policy to the improvement in education as a system that connects legal, human resource, material, scientific and professional preconditions.

55. The *Croatian National Education Standard* (2005) is a project aimed at improving the quality of primary school education with the goal to reduce education contents within the existing curriculum. After the analysis of the project monitoring and evaluation results, the new *Primary School Curriculum* was adopted and the primary school education is conducted in line with it.

56. The *National Pedagogical Standards for Pre-School Education, Primary and Secondary School Education Systems* (2008) regulate the following issues: the organisation of educational programme for pre-school children in accordance with intention and duration, the number of children, teachers and staff associates in educational groups, issues of the number of healthcare and other workers required for the pre-school programme implementation, and material and other conditions for performing this activity and minimum infrastructural, financial and human resource conditions for implementation and development of activities and equal conditions for a uniform development of primary and secondary school systems.

57. The *Textbook Standard* (2007) determines standards for textbooks and legal and other bases, standards and requirements and special requirements in the production of textbooks for national minorities and requirements in the production and adaptation of textbooks for pupils with special needs.

58. The *National Programme of Measures for the Introduction of Compulsory Secondary Education* (2007) represents an initiative for possibilities of introducing compulsory secondary education, and determines strategic goals until 2013, such as: improvement in the enrolment rate of youth in secondary schools and creating presumptions and conditions for higher rates of secondary education completion and better social inclusion, especially of youth with special needs, youth with behavioural disorders and without family support and young people with disabilities.

59. The *National Pre-School and General Compulsory Primary and Secondary Education Framework Curriculum* (2010) is the starting point for continuation of developing the curriculum process (subject curricula, in-service training strategy, textbook production, etc.) and a legal base for adopting the school curriculum. The goals are to enable children and pupils to achieve the highest level of knowledge in accordance with their potentials. Special attention is paid to issues of equal rights to education, respecting children's rights, especially the rights of children and pupils with difficulties, and national minority children.

60. The *National Programme of Breastfeeding Promotion* is being drafted, which foresees adoption of the Ordinance on the implementation of International Code of Marketing of Breast-milk Substitutes and a working group was formed for the production of this Ordinance. UNICEF Office in Croatia (hereinafter: UNICEF) supported the production of this programme.

61. Some of the goals of the *National Programme for HIV/AIDS Infection Prevention 2005-2010* are the following: reduce the risk of HIV transfer from mother to child, prevent HIV spread among adolescents, ensure further absence of HIV infection transfer among adolescents, reduce risky behaviour among sexually active population by special education programmes directed toward individual subgroups and thereby enable a full coexistence of infected and ill. A new programme for the period 2011-2016 is being drafted.

62. The *National Programme for the Protection and Promotion of Human Rights 2008-2011* promotes the protection of children from abuse, severe neglect, violence and all forms of discrimination by creating conditions for preventive action, improving manners and methods of professional work in the abused children treatment.

63. The third *National Policy for the Promotion of Gender Equality 2006-2010* contains a number of measures that directly and/or indirectly implement the Convention provisions, and the adoption of a new one is planned.

64. The *National Plan against Discrimination 2008-2013* contains specific measures that promote awareness on non-discrimination, participative democracy of discriminated groups' representatives, education of professionals and mutual respect and tolerance.

65. Following the previous strategy 2003-2006, the *National Strategy for Equal Opportunities for Persons with Disabilities 2007-2015* was adopted, aimed at progress and further strengthening the protection of rights of persons with disabilities and children with developmental difficulties. The basis for adoption is the UN Convention on the Rights of Persons with Disabilities and the Council of Europe Action Plan for the promotion of the rights and full participation in society of people with disabilities: improving the quality of life of people with disabilities in Europe 2006-2015. The Report on the implementation of measures from these strategies shows a significant improvement in all fields of action.

66. The *National Programme for Roma* (2003) contains a number of short-term and long-term measures in the field of employment, education, healthcare, social welfare, housing and solving status problems that should contribute to solving problems and successful integration of Roma into the society. The following measures are planned: solving status problems of Roma (citizenship), combating discrimination (free legal assistance), education, compulsory pre-school for Roma children, ensuring kindergarten attendance, special measures for better inclusion of Roma children in the educational system, increasing the number of Roma who attend secondary schools and universities, health protection (special measures for health education of Roma), vaccination of Roma children, improving the work of patronage care, combating alcoholism, smoking and other addictions, monitoring exercise of rights to health protection, employment (special measures for higher employment and self-employment of Roma), improving life conditions of persons with disabilities, protection of Roma families, especially children, humanitarian aid provision), spatial planning (legalisation and arrangement of Roma settlements), etc.

67. The *Action Plan for the Decade of Roma Inclusion 2005-2015* foresees measures that will contribute to eliminating discrimination of Roma national minority and ensuring better life conditions. Measures that are directly related to children relate to free pre-school education, better access to the entire educational system, arrangement of settlements (water, electricity, sewage, roads) and improvement in health protection. Four representatives of Roma were also appointed into the Working group for monitoring the Action Plan implementation.

68. Following previous programmes, the new *National Programme of Road Traffic Safety in Croatia 2006-2010* was adopted, which includes strategic activities: decrease in the vehicle speed and obeying speed limits, protection of children, youth and most vulnerable traffic participants, preventing driving under the influence of alcohol and drugs in traffic and reconstruction of dangerous places. For each activity, police administrations produced special action plans based on conducted analyses of safety conditions and needs of action toward certain groups, respecting therein characteristics of the region for which plans are produced. These plans contain all elements of preventive and repressive actions in individual police administration areas.

69. *Joint Memorandum on Social Inclusion* (hereinafter: JIM), signed by the Croatian Government and the European Commission in 2007, states among priorities those that directly impact a decrease in poverty and improvement in the position of children, such as: extending the scope of secondary and academic education through extension of compulsory education, better monitoring and prevention of drop-outs, i.e. encouraging completion of education for the purpose of obtaining qualifications for work, extending the network of social services for children, especially in rural areas, production of a deinstitutionalisation plan of services for children, encouraging investments in institutions of children education, etc.

70. The *Master Plan of Deinstitutionalisation and Transformation of Social Welfare Institutions in the Republic of Croatia 2011-2018* is being drafted, which aims at intensifying reform processes of transformation of social welfare homes and deinstitutionalising social welfare activities, and represents a basis for planning the network of homes and activities of social welfare. The purpose is to contribute to a decrease in entries into institutions and an increase in exit from institutions into new forms of care, especially by stimulating family reintegration (in addition to guaranteeing one or more services of family support in the local community), which should be harmonised with priorities of the service network development at the local level taking into account regional uniformity. Guidelines for the production of individual transformation plans are also foreseen and the production of the Operational plan of the deinstitutionalisation process implementation for social welfare activities and transformation of social welfare homes in 2011 and 2012. Scope and dynamics of these processes implementation will be determined, in relation to beneficiaries, and the number and structure of workers required for providing the support programmes for users in the institution and outside it. Existing resources (material, human) of the system for social welfare services provision will be used, i.e. transformation of the existing service forms into new ones, based on users' needs (does not imply closing all institutions, but also their conversion). The goal is to change the ratio of institutional and extra-institutional care to 20% of users in institutional forms of care and 80% of users in extra-institutional forms of placement until 2016, in accordance with national strategic goals regarding care for children and youth.

71. In cooperation with the World Bank, in the period from 2008 to 2009, *Standards of Quality for Social Welfare Services* were produced, aimed at defining a framework for providing services of higher quality to beneficiaries, as well as better efficiency of service quality assessment. The quality standards are revised during the conducted trainings of professionals and describe how quality social services should look like and present a starting point for measuring the social services quality, thereby enabling a precise, and at the same time transparent evaluation of each service provider. An important characteristic of standards is their universality – they are applicable to all types of social services and to all social services providers. They include general standards applied to all social services, and additional standards for those service providers who ensure care outside family, as well as care for children outside family. In addition to quality standards, Guidelines for their implementation were also developed.

72. The new Act on Social Welfare will speed up establishment of quality standards for social services. (In addition to the above mentioned regulations and strategic and other documents, the rights of children and youth are also protected through provisions of other regulations that we will mention in related areas – copies of all important regulations are submitted in Appendix 3).

B. Mechanisms at the national or local levels for policy coordination in relation to children

Recommendations Nos. 11, 12, 13 and 14

73. It is important to emphasise that, as a mechanism for coordinating policy relevant for children at the national level and monitoring the Convention implementation, the *Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity* was established (2003), within which separate organisational units were formed with the aim to implement and protect the rights and well-being of children – Directorate for Family with the Department for Children and Youth.

74. Please note that the *Council for Children* (hereinafter: the Council) operates since 1998 as a coordination body at the national level with the aim to permanently monitor implementation of the national programme for children, harmonisation of work of government and other bodies on monitoring the application of the Convention and other international by-laws related to the protection of children and monitoring the implementation of national legislation and programmes. In accordance with amendments from 2004, the Council members were representatives of: state administration bodies (11), scientific and professional institutions (4), associations providing care to children (3) and the Croatian Journalist Society (1), and professional and administrative works are performed by the newly established Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity (instead of the State Institute for the Protection of Family, Maternity and Youth). In 2008, the number of members was increased to 21 and its composition was changed. It was also determined that the president of the Council is the deputy prime minister for the field of social activities and human rights. Latest amendments (2009) prescribe that the Council president is the Minister of the Family, Veterans' Affairs and Intergenerational Solidarity.

75. The Council established the National Ethics Committee for Research with Children which is its advisory body and which monitors the implementation of the Ethics Code of Conduct for research with children. An overview of the Council work since 2004 is given below:

(a) In the previous period, by monitoring the condition in the field of the protection of children's rights, including monitoring the adoption of significant national and international documents and legal regulations, proposing measures, as well as providing guidelines, the Council contributed to making progress in the field of the protection and promotion of children's rights. In the period from 2004 to 2010, 22 sessions (3 annually on average) were held. The Council publicly and actively supported and promoted activities of the best interest for children;

(b) The report on the Council work for 2004 and 2005 points to the need for further inclusion of provisions on the protection of the rights of the child into legislation. Monitoring of the production and implementation of strategic documents continued (Programme of Activities for Prevention of Violence among Children and Youth and the Rules of Procedure in Case of Violence among Children and Youth, in whose preparation the Council members also participated). The Council is familiarised with the presentation of the Second Periodic Report, and they considered the Final objections of the Committee to

this Report. A Working group was also appointed, that prepared the round table: *"Implementation of Recommendations of the Committee for the Rights of the Child in Relation to the Application of the Convention on the Rights of the Child in the Republic of Croatia"* (2005). In 2005, the Council formed a Working group for the production of the National Plan of Activities for the Rights and Interests of Children 2006-2012, and working subgroups responsible for the development of activities in 14 fields of action, consisting of representatives from state institutions, civil society organisations and scientific and university staff. In reports on their work, the Council pointed out the importance of establishing a continuous and detailed monitoring of implementation of activities from the National Plan by bearers of measures, and emphasised the significance of engaging each representative in the Council for the purpose of ensuring the continuous implementation of activities. The Council specially emphasised a poor efficiency of reporting on the National Plan implementation by local and regional self-administration units, who are the bearers of the greatest number of measures and activities from this document, but they also issued the recommendation for strengthening measures implementation on the local level and establishing and strengthening the work of bodies for coordination and monitoring of measures implementation. For the purposes stated, the reporting form on implementation of the National Plan for all measure bearers was created, and especially for local and regional self-administration units. The Council makes continuous efforts in an effective implementation within deadlines, as well as in ensuring the quality of reports. In the joint session with the Committee for the Prevention of Behavioural Disorders among Children and Youth, the monitoring of implementation of measures from the Programme of Activities for Prevention of Violence among Children and Youth was considered, as well as the issue of the protection of children's rights in children's homes (report on condition in children's homes was presented). Based on the conclusion, a joint letter was sent to the Croatian Journalist Society related to severe violations of the rights of the child during media reporting to the public;

(c) In the report on their work for 2006 and 2007, the Council positively assessed progress achieved in the field of amendments to the family and criminal legislation, and adoption of significant strategies and plans (the National Population Policy, National Strategy of the Protection against Family Violence 2008-2010, National Strategy for Equal Opportunities for Persons with Disabilities 2007-2015, etc.). The progress by building a new system – establishing family centres was pointed out. The Council is also familiarised with activities of the Council of Europe related to the production of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and Recommendation (2006) 19 of the Committee of Ministers of members states on the support policy for positive parenting. The President of the Council met the delegation of the Council for Children of Bosnia and Herzegovina and exchanged experiences;

(d) The period of 2008 and 2009 was marked by numerous activities related to the International presentation of the Council of Europe Campaign for Elimination of Corporal Punishment of Children and the implementation of the National Campaign against Corporal Punishment of Children. The Council gave their contribution by participating in international and domestic conferences, and by monitoring activities, and produced the analysis which assessed further need for accessing international documents, which proved to be a relevant incentive;

(e) In 2010, the Council issued to all competent state administration bodies, institutions engaged in the protection of the rights and interests of children, civil society organisations and regional self-administration units, the recommendation to celebrate the International Children's Day and it set its date. The Council paid special attention to the issue of organised leisure time and culture of children on the session held in Šibenik on the occasion of celebrating the 50th International Children's Festival. One of the sessions was dedicated to the prevention of violence among children in which respectable experts from

other institutions and family centres also participated. The Council also adopted the Proposal of the Programme for the Prevention of Suicides among Children and Youth and Guidelines for Planning, Implementation and Evaluation of Prevention and Treatment Programmes for the Protection of Children against Violence. The Council included into its agenda for 2010 the monitoring of international research Project "*BECAN – Epidemiological Study on Child Abuse and Neglect*";

(f) Generally, in the reporting period, the Council considered amendments to the Act on the Award for Promotion of the Rights of the Child, as well as the Proposal of the related Rulebook, in the production of which the Council members also participated. It discussed the relation and influence of the media on children, and frequent violations of children's rights by the media. The Working group of the Council for the Production of Guidelines for Reporting on Children in the Media and Proposing Recommendations Aimed at Protecting Children was formed. In the Council sessions, publications and international and national documents were presented (e.g. UN documents related to the prevention of behavioural disorders among children and youth, report "Plus 5", Questionnaire of the United Nations Secretary-General's Study on Violence against Children, Draft of document "Social Inclusion and Deinstitutionalisation in Social Welfare in the Republic of Croatia: Strategy and Activity plan", the National Strategy for the Prevention of Behavioural Disorders among Children and Youth 2009-2013) and the Council also considered the report on the National Plan for Prevention of Child Trafficking implementation. Each year, the Council celebrated the Convention Day – 20th November by related activities; on this occasion Awards for Promotion of the Rights of the Child were awarded and related annual issues of magazine "*Child and Society*" were presented. We also emphasise awards to journalists and radio stations for participation and special achievements in the Project "*I love my family*" (art and literary contest) and holding sessions in a primary school premises, where at the same time related children activities took place. The Council monitored the Bus "*Magic Forest*" Project implementation;

(g) Between the sessions, Council members actively participated in the work of the Council working groups (e.g. in the production of new strategic documents related to child abuse) and as experts in working groups of other bodies, as well as in other activities for the promotion of children's rights (e.g. various professional meetings, public events). This way, a better coordination between relevant competent bodies was achieved, and a better connection of experts involved, as well as building of their personal and professional capacities.

76. Special importance in the field of the protection of the rights of the child have working and advisory Government bodies in which representatives of civil society organisations are included: the ***Committee for the Prevention of Behavioural Disorders among Children and Youth***, the ***Council for Youth***, on whose proposition commissioners for youth were appointed in state bodies, the ***Committee for Population Policy***, the ***Committee for Persons with Disabilities*** and specially the ***Committee for Improvement in the Protection against Family Violence***.

77. In the field of criminal and misdemeanour legislation, the following committees are active with competent bodies:

- The ***Committee for Monitoring and Improving the Work of Bodies for Criminal Proceedings and Execution of Juvenile Sanctions*** created a questionnaire for juvenile judges aimed at gathering information on procedures of criminal justice protection of children and juveniles, especially during questioning;
- The ***Committee for Monitoring and Improving the Support System for Victims and Witnesses***. The most important tasks of the Committee are: the production

of the National strategy for support to victims and witnesses, standardising the treatment of victims and witnesses for all competent bodies by creating protocols, inter-department cooperation, and raising public awareness on the rights of victims and witnesses;

- In 2010, the *Expert Committee for Monitoring and Improving the Work of Bodies for Criminal and Misdemeanour Trial and Execution of Sanctions Related to Protection against Family Violence* was established (replacing previous Committee from 2003), which monitors the system of the protection against family violence and proposes measures for its improvement.

78. We also point out activities of relevant institutions and bodies from the educational system:

- The *National Centre for External Evaluation of Education* (2004) with the task of producing tests, conducting national exams and state graduation and scientific and research work in the field of educational measurements and external testing of knowledge and competences of the system stakeholders, whereby for the first time the system of external evaluation of education was established;
- The *Agency for Vocational Training and Adult Education* (2010) engages in planning, developing, organising and monitoring secondary vocational education (it took over all work from the former Agency for Vocational Training);
- The *Agency for Mobility and EU Programmes* (2007) deals with mobility, promotion and implementation of EU programmes in the field of education and youth;
- The *Education Institute* (of 2002) was converted into the *Education and Teacher Training Agency* (2006) with the aim to perform professional and advisory work in education (producing and implementing the national curriculum, conducting in-service training and professional pedagogical supervision over teachers, principals, etc.);
- *National School Students' Council of the Republic of Croatia* (2005) as the representative body of pupils of primary and secondary schools and the advisory body of the minister responsible for education contributes to improvement in educational system and building a pupil-friendly school. The Council consists of 21 students, one representative of each county and the City of Zagreb;
- *Council for Pedagogical Standard* (2006) produced the Pedagogical standard for the formal educational system (production of spatial and architectural, health and hygienic, didactic and methodological, technical and IT presumptions for pedagogical standards).

79. Also, both on local and regional levels there are various mechanisms for monitoring the implementation of policies directed to children and the Convention. In this regard, we mention the following:

- The *National Plan of Activities for the Rights and Interests of Children* 2006-2010 foresees establishing bodies responsible for coordination and monitoring the implementation of its measures at the local level, with participation of representatives from competent bodies;
- Responsible bodies appointed coordinators at the local level, whose task is to take measures in accordance with the *Rules of Procedure in Case of Violence among Children and Youth* that is applied in case of reporting violence among children (in all educational institutions, police administrations, social welfare centres, children's homes and homes for children with behavioural disorders);

- By the *National programme for Youth*, coordinators of its implementation were appointed in all state administration bodies;
- In all counties, County committees were also established for combating drug abuse, for a better coordination and cooperation of all stakeholders in the field of prevention, treatment and elimination of drug abuse;
- County coordinators were also appointed for implementation of programmes for the prevention of addiction in primary and secondary schools, which are mandatory the members of previously mentioned County committees for the combating drug abuse. The main task is gathering and unifying programmes of addiction prevention for primary and secondary schools received from program leaders in schools and producing the school prevention programme for the county in cooperation with the county committee and office responsible for education;
- County coordinators for the JIM were also appointed, whose role is to simplify and speed up mutual exchange of information between counties and the national level and counties, as well as to coordinate the social inclusion processes at the local level. County coordinators for the JIM also participate in processes of county social planning;
- We point out that local and regional self-administration units and civil society organisations are invited, based on other documents in the field of children and youth as well, to involve more actively into their implementation and to create local programmes. The example of good practice is the City of Zagreb who adopted a number of strategic documents in this field.

Independent supervision mechanisms

80. The *Office of the Ombudsman for Children* (2003) was established with the task to monitor the implementation of fundamental national documents and assumed international documents and regulations related to the protection of children's rights and, in accordance with the Committee's recommendations, its political influence is strengthened and human and financial support is ensured, especially for activities outside of the capital city. Based on the need for acting on the regional level, since 2007, in addition to Zagreb, the Office also operates in Split, Rijeka and Osijek, and is gradually becoming stronger regarding human resources. In addition to 3 officials, of required 23 employees, 16 are employed (Table 4.f in Appendix 2). Offices in the field operate in satisfying conditions, while the arrangement of the business premises in Zagreb is currently being finalised. Business premises are owned by the state, except for the rented premises in Rijeka. Funds for the Office's operation are ensured in the State budget and increase in proportion with the increase in the number of employees and needs for implementation of programme activities (Table 4.d in Appendix 2).

81. Sensitising children and public on the Convention is performed through a range of activities: meetings and encounters with children; website of the Office; organisation of professional conferences and discussions; participation and advocating of children's rights in conferences of other organisers; contacts and cooperation with relevant institutions, non-governmental and other organisations; statements, appearances in media and informing the public on the state of the children's rights; publishing activity; publication of professional texts; publication of annual reports on the work and telephone counselling. The number of complaints and violations of children's rights on the basis of which actions were taken is in Appendix 2 in Table 4.e.

82. Great importance is given to improving the coordination between all stakeholders at the national and local levels stated in this field, who, within their responsibilities, also deal

with issues related to the Convention implementation. When considering the implementation of individual activities, whether these are the adoption of appropriate regulations and documents or sensitisation of the public on the rights from the Convention, inclusion of all relevant bodies is taken into account.

C. International cooperation

83. The Republic of Croatia is a party to numerous United Nations instruments in the field of human rights (see Appendix 1), including those related to the rights of the child. Also, since 1991, it is a party to the UNESCO *Convention against Discrimination in Education*, of 1960. We emphasise that Croatia is monitoring the work of the Open working group for considering the production of the new protocol to the Convention that would deal with a mechanism for individual complaints.

84. The Republic of Croatia is a party to numerous **Council of Europe** instruments in the field of human rights (see Appendix 1). In the field of the protection of the rights of the child, it is a party:

- Since 2003, to the *European Social Charter*, of 1961, the *Additional Protocol*, of 1988, and the *Additional Protocol Providing for a System of Collective Complaints*, of 1995. The Republic of Croatia stated it considered it was obliged under: Article 7 – the right of children and youth to protection, Article 11 – the right to protection of health, Article 16 – the right of the family to social, legal and economic protection and Article 17 – the right of the mother and child to social and economic protection (*Revised European Social Charter* of 1996 was signed in 2009, but is not yet ratified);
- Since 2009, to the *European Convention on Contact Concerning Children* of 2003. As the central body for execution of obligations under this Convention, the Ministry of Health and Social Welfare was appointed, which will inform other competent bodies on obligations arising from the Convention;
- Since 2009, to the *European Convention on the Exercise of Children's Rights*, of 1996, that will be applied in 5 categories of action in family cases;
- In 2007, the Republic of Croatia signed the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, of 2007, in the drafting of which, an independent Croatian expert participated;
- The drafting of the *Convention on Preventing and Combating Violence against Women and Domestic Violence* (CAHVIO) is underway, in the Committee of which, a Croatian expert is the co-president.

85. In the field of the protection of the rights of the child within the **International Labour Organisation (ILO)** we emphasise that the Republic of Croatia is a party to: the Minimum Age Convention (C 138) whose provisions are incorporated in the Labour Act that regulates minimum age of employment, legal capacity of juveniles for concluding employment agreements, prohibition of juvenile work in certain workplaces and authorisation of labour inspectors for prohibiting such work and sanctioning, as well as the *Worst Forms of Child Labour Convention* (C 182).

86. Regarding the Hague instruments, we point out three elements:

- Since 1991 the Republic of Croatia is a party to the *Convention on the Civil Aspects of International Child Abduction*, of 1980. For the purpose of its most effective implementation, in 2007, a working group was formed that will prepare a special act that will regulate all open issues;

- Since 2009 the Republic of Croatia is a party to the *Convention on Jurisdiction, Applicable Act, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children*, of 1993. As the central body for executing obligations, the Ministry of Health and Social Welfare was appointed, which will inform other competent bodies on the obligations arising from it;
- The Republic of Croatia is in final preparations for the ratification of the *Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption*, of 1993, that will facilitate the procedure.

D. Independent human rights institutions

87. The *Human Rights Centre* (2005) is registered as a public institution aimed at independent promotion of human rights that improves cooperation between state authority institutions, academic community, national institutions for human rights and civil society organisations on the protection and promotion of human rights. The Centre's main activities are performed through the Research and Information Department, Programmes and Activities Department and the first Special Human Rights Library. The Centre monitors events in the field of the protection of human rights, and organises research on the most significant problems, lectures, etc. and encourages discussion on current problems. It provides services of free use of premises and equipment, and enables organising conferences and other meetings for all stakeholders in the field of human rights. It produces the address book of organisations and institutions for the protection of human rights and cooperates with similar centres in Europe, as well as with specialised libraries around the world. It actively participates in digital networks of organisations for human rights through an exchange of data and documentation, study travels, and cooperation on projects. The Centre bodies are: the Steering Committee and the Director. The Centre is governed by the Steering Committee consisting of the president and 8 members. The President of the Steering Committee is appointed by the Government from the Steering Committee members. The Director represents the Centre, and is appointed (for a four-year period) and released by the Government. The Centre is financed from the State budget and from own income, and other sources in accordance with law.

E. Making the principles and provisions of the Convention known to children and adults (arts. 42 and 44, para. 6)

Recommendations Nos. 19, 20, 72 and 73

88. With the aim of familiarising the general and professional public with the achievements in the field of the promotion and protection of the rights of every child, based on the Convention, the magazine "Child and Society" is continually (for 12 years already) issued, intended for various scientists and professionals, but also for other entities included in children issues. Each number contains various topics (e.g. information and literacy, behavioural disorders, institutional care, role of the family in raising and upbringing children, spirituality, education for the value system, elimination of corporal punishment of children, participative children's rights, etc.). From 2004 to 2009, for the magazine printing, HRK 584,007.18 was spent. Other publications related to children were also printed, especially strategic documents (some of them bilingually and in Braille), of which we point out the National Plan of Activities for the Rights and Interests of Children 2006-2012 and the Convention, which are, in accordance with their topic, delivered to all relevant bodies (working bodies of the Government and the Croatian Parliament, competent ministries,

local level bodies, associations working with children, media service providers, institutions for the protection of human rights, religious communities and organisations, etc.).

89. The Convention, the Second Periodic Report, the Concluding Observations and Recommendations of the Committee are available to the public not only in the printed form, but also through websites of ministries, Office of Children's Ombudsman and UNICEF. Other activities of sensitisation of public and professionals on the rights and well-being of children, youth, family, persons with disabilities and other socially vulnerable groups are also continually undertaken, such as: participation in organisation and realisation of international activities – conducting the Council of Europe campaign directed toward human rights, equality in diversity and participation of young persons in society "All different – all equal" (2006 and 2007), conducting national Campaign for combating family violence against women (2006-2008), organising the European summit on the Council of Europe Action Plan for the Promotion of the Rights and Full participation in Society of People with Disabilities in 2007, and organising the International presentation of Council of Europe Campaign for elimination of corporal punishment of children in 2008 and implementing this campaign on the national level in 2009, etc.; celebrating relevant international and national days – especially 20th November: Convention Day and Week of Children (ceremonial session of the Council for Children, activities of family centres and local community, etc.).

90. Activities of familiarising children with the Convention also take place (education, visits), and in this regard, in every opportunity, cooperation with civil society organisations, especially with UNICEF is established. The information source and a manner of sensitisation and provision of assistance to citizens is also *My Administration portal* (2007) as an Internet system for communication of citizens with administration, where for the first time in one place, and simply, all information from the field of family are available – parenting (adoption, founding family), exercise of rights and benefits (child benefit, maternity and parental supports, support for the newborn child's equipment), assistance and counselling (violence, addictions), etc.

91. We emphasise that since 2006, the "*Award for the Promotion of the Rights of the Child*" has been awarded to prominent individuals and/or group of individuals whose work represents a permanent contribution to the promotion of the rights of the child (a total of 13 awards – 5 awards for life achievement and 8 annual ones).

F. Funds for children's programmes

Recommendations Nos. 15 and 16 (a) and (b)

92. Funds for children-related programmes are allocated at the national level from the State budget from the positions of competent bodies. The *Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity*, as the body responsible for coordination of policy for children, on its positions continually, from 2004, plans and directs funds for children through special programme "Social strengthening of family, youth, children and persons with disabilities", which was in 2008 divided into two separate ones: Social strengthening of family, youth and children and Social strengthening of persons with disabilities. Within these programmes there are certain activities on which funds are ensured directly intended for children: Affirmation of rights and protection of children, Council for Children, Encouraging implementation of action "Towns and municipalities – friends of children", Additional maternity leave and newborn child's equipment, Children's allowance and Foundation "Croatia for Children", and other activities directed to youth, persons with disabilities and family, and on them funds are ensured for implementation of programmes and projects related to children, for example, programme activities: Family centres, Policy for youth, Support to programmes directed to

children and youth, Committee of the Croatian Government for the Prevention of Behavioural Disorders among Children and Youth, Projects for large families, Implementation of family and population policy measures, Improvement in the protection of victims of family violence, Affirmation of rights and improvement in policy for persons with disabilities, Granting financial support for programmes and projects directed to children with difficulties and adults with disabilities, etc. Also, on special programme activities funds are directed for the care for children of Croatian Homeland War veterans. In addition, we emphasise that on special activities within the overall budget of the Ministry of Health and Social Welfare, abundant funds are allocated to the protection of children, in accordance with their scope of work. (Tables 4, 4.a-4.c in Appendix 2). It is important to mention that financial expense of funds related to the implementation of activities of national strategic documents for children is monitored regularly on an annual basis and is recorded in annual reports on their implementation that are adopted by the Government, in which each body, within their jurisdiction and obligations, presents its cost.

93. Cooperation with civil society organisations on all levels and in all fields, and especially those related to the protection of children's rights, is of great importance and is continually improved and encouraged, as well as the development of the civil society itself. In this context, the Office for Cooperation with NGOs of the Croatian Government (hereinafter: the Office for Cooperation with NGOs) participates in creating an enabling environment for the development of civil society by proposing new legislation frameworks for their operation. It monitors the implementation of the *Code of Good Practice, Standards and Benchmarks for the Allocation of Funding for Programmes and Projects of NGOs* (2007), and, within improving the system of funding the operation of NGOs, it prepares annual reports on funded programmes and projects of NGOs. It has available data on funded programmes and projects of NGOs for the entire reporting period, but the volume of data differs as, except for the providers of financial support on the national level, the reports on funding civil society organisations include regional and local levels only from 2007 and 2008. From this data, it is visible that from 2004 to 2009, from public sources for programmes and projects directed at satisfying children's needs, to civil society organisations was allocated a total of **HRK 166,863,175.94**. However, due to methodology of tender issuing, but also the manner of NGO registration, in most cases it is not possible to present funding of projects/programmes intended exclusively for children, so the majority is directed at children and youth. Data for 2009 also include counties and towns – county centres (Table 1 in Appendix 2).

94. Certain funds are also used from sources of international assistance that are available and offered in the reporting period, related to the field of children (point 19.(e) in Appendix 2).

II. Definition of the child (art. 1)

95. By previous amendments to the Penal Code, the definition of term "child" has not been changed, and a child is still defined as a human being below the age of 14 years, while juvenile is a human being below the age of 18 years. In the context of the new *Act on Misdemeanours*, a juvenile is still a human being above the age of 14, but below the age of 18 years. In the Act on Misdemeanours, a young juvenile is a human being above the age of 14, but below the age of 16 years, while older juvenile is a human being above the age of 16, but below the age of 18 years. Regarding the *Act on Juvenile Courts* and the *Act on Protection of Persons with Mental Disorders* there were no changes until the last report.

96. There were also no changes in relation to the legal status of the child and the new *Family Act* (2003) still prescribes that a person becomes of age and acquires legal capacity at the age of 18 years. It also foresees the possibility of an exceptional acquisition of legal

capacity above the age of 16 years, if he/she enters into a marriage before the age of majority. Additional possibility is that a juvenile aged above 16 years who has become a parent may, with court's approval, acquire legal capacity although he/she has not entered into marriage. Minor changes in relation to the Family Act of 1998 are in the provision on the age of majority as a presumption for the validity of marriage, and on the exception from this rule for juveniles aged above 16 years. The provision on juvenile marriage with court's permission requires that, in addition to determining mental and physical maturity of the juvenile for marriage, the court also determines the presence of a justified reason for early marriage, while the previous Family Act determined whether the marriage is in the interest of the juvenile. It is, however, considered that the principle of the protection of the child's interest is an integral part of the family legislation, and therefore the interest of the juvenile would always have to be determined. Another novelty is that the court in the decision-making process on allowing the marriage, will, among other things, hear the person with whom the juvenile applicant intends to enter into marriage.

97. The institution of juveniles acquiring partial legal capacity for concluding and terminating employment agreements and taking all legal actions in relation to fulfilling the rights and obligations from this, or related to this agreement, under the condition that legal representative authorises him/her to do so, has not vitally changed in relation to the solution of the previous Labour Act of 1995 (several times amended prior to adoption of the new one which is effective since 2010). Therefore, a juvenile, authorised by the legal representative for concluding an employment agreement, still acquires, in relation to this agreement, legal capacity and thereby the possibility of independently taking all legal actions which includes also launching of and participating in court procedures related to this agreement. A change entered into this institution now relates only to the exception when a juvenile above the age of 15 years, even in case of authorisation by the legal representative, will not acquire legal capacity for concluding an employment agreement, in case when he/she still attends compulsory primary education. The legal representative could not even issue a written permission to such a juvenile, and even if issued, it would be null. Employment of juveniles without a permission of his/her legal representative is sanctioned as a serious offence by the employer.

III. General principles

A. Non-discrimination (art. 2)

Recommendations Nos. 21, 22, 23 and 24

98. By *Amendments to the Penal Code* (2006), the criminalisation of “hate” was introduced (see Appendix 1).

99. The *Act against Discrimination* (2008) provides protection and prohibits discrimination of any potentially marginalised or discriminated group. It ensures protection and promotion of equality as the highest value of the constitutional system, creates presumptions for realising equal opportunities and regulates protection from discrimination on the basis of race or ethnic origin or colour, gender, language, religion, political or other opinion, national or social origin, property, education, social status, marital or family status, age, health condition, disability, genetic heritage, sexual identity, expression or sexual orientation. The Ministry responsible for justice affairs and special ombudsmen, who are obliged to keep records of all cases of discrimination from their jurisdiction, are obliged to submit records and statistical data on court cases related to discrimination to the Ombudsman (central body responsible for elimination of discrimination). If discrimination of children is in question, primarily the institution of Children's Ombudsman is responsible.

In accordance with the Report of the Children's Ombudsman, cooperation was established with other ombudsmen (public, for gender equality and for persons with disabilities) with the aim of quality protection from discrimination. Soon, signing of the Agreement on Cooperation is expected, in order for this cooperation to be formalised.

100. From the beginning of application of the Act against Discrimination, the Children's Ombudsman received three individual cases/claims in which the complainants referred to discrimination of children according to the Act (one was related to the field of education, and two to the field of social security). Discrimination grounds which the complainants referred or which could be recognised from the claims, were: national origin, property and disability. The claims related to the discrimination of one boy, three girls and a group of children in school. In two cases discrimination was not determined and cases were processed as other claims of children's rights violations. A number of activities were held with the aim to familiarise the public with the Act and issues, in cooperation with the Office of Children's Ombudsman (see Appendix 1).

101. The provisions of the *Act on Gender Equality* (2008) additionally expand the obligations in the field of education: "(1) State body responsible for education, agencies related to education and institutions whose primary activity is education, will systematically implement measures for ensuring equal access to education on all levels and activities related to in-service training and promotion into ranks of workers in education. (2) Contents related to issues of gender equality represent an integral part of pre-school, primary school and secondary school education and academic education, as well as of life-long education and training, and include preparing both sexes for an active and equal participation in all fields of life. (3) Contents from the previous paragraph will promote non-discrimination knowledge on women and men, elimination of gender inequality and gender stereotypes in education on all levels, as well as respect for gender aspects in all education fields. (4) On all levels of education, account will be appropriately taken of equal representation by gender in pupil and student population, and all educational institutions will pay special attention to equal representation of both sexes in management structures. (5) All educational institutions, as well as all other, in contents of school reports, certificates, licences and diplomas, must use language standards in line with this Act, stating professional qualifications, vocations and professions in feminine and masculine genders, depending on the gender of the document receiver."

102. The *National Plan for Combating Discrimination 2008-2013* and the *National Policy for Promotion of Gender Equality* are also implemented, as another mechanism for protecting the rights of children and other citizens which additionally impacts the elimination of discrimination.

B. Best interests of the child (art. 3)

Recommendations Nos. 25 and 26

103. The best interests of the child, i.e. the well-being of the child, which is considered a more appropriate term, as legal standard continues to be applied and emphasised in Croatian legislation and all court and administrative procedures in which it is decided about children, and additionally in strategic documents directed to children. The principle of protection of children's rights and well-being is still contained in the *Family Act* (2003) in the form of the basic principle of family relations regulation. This way, for example, the well-being of the child is mentioned in determining obligations of a social welfare centre to, in relation with the procedure of mediation, take all necessary measures for the protection of the child's well-being, with mother's obligation to name the child's father, with the child's right to life with parents in accordance with his/her well-being, with the right to parental care, the main goal of which is the protection of the child's well-being. If parents cannot

agree on the realisation of parental care contents or on the realisation of the rights of the child, the court will, in an extrajudicial procedure, at the request of a parent, social welfare centre of the child's residence or the child himself/herself, make a decision for the protection of the child's well-being.

104. The Family Act foresees the standard of the child's well-being explicitly as a measure in accordance with which it is possible to restrict or forbid meetings and encounters to the parent who does not live with the child, and under circumstances to determine supervision over them. In order to ensure meetings and encounters of the child with other relatives, it was determined that the court makes decision on meetings and encounters of the child with grandparents, sister and brother, and half-sister and half-brother, taking into account the well-being of the child. Amendments to this Act (2007) extend this authority also to the former extramarital partner of the parent, i.e. former stepmothers or stepfathers, as it is considered that a quality relationship of the child also with these persons is important for his/her appropriate development and progress. A similar norm is also the one according to which the court can, when making decision determining that the marriage does not exist or is annulled or divorced, taking into account the well-being of the child, decide on meeting and encounters of the child or an adoptee with stepmother or stepfather, if at the moment of the marriage termination they lived together and cared for the child.

105. Pronouncement of a wide range of measures for the protection of personal interests of the child is possible. In cases when repressive measures are pronounced, additional way of protecting the child's well-being is appointing a special carer who protects the child's rights and interests. In relation to the adoption procedure, it is explicitly determined that in the procedure of adoption, characteristics of adopters in relation to the child's well-being are assessed. In relation to the institution of maintenance, the social welfare centre's obligation is to make effort that parents or a child that is in regular education even after the age of majority and parents make an extrajudicial settlement on the amount, and an increase in contributions for the child maintenance whenever possible, taking into account the well-being of the child. Exceptionally important is also the provision that, based on the European Convention on the Exercise of Children's Rights requirements, defines that the court will enable the child in accordance with his/her age, maturity and well-being to, for the purpose of exercising his/her rights and interests in status issues, express his/her opinion before the social welfare centre or court. It is also prescribed that the child has the right to choose education and vocation and the right to employment in accordance with his/her capabilities and well-being.

106. The best interest of the child is still considered the main criterion in actions of professionals from social welfare institutions (social welfare centres and children's homes), and considering the best interest of the child is related to each individual family situation appearing in the institution's treatment. As, in accordance with the Family Act provisions, a social welfare centre plays an important role in court procedures related to family issues, there is a possibility of its influence on court decisions. The social welfare centre has several roles in court procedures, so it may be a party in the procedure, court's auxiliary body or intervener *sui generis*. This way, it is in the position to advocate the child's best interests if it assesses that it was not protected by the court decision. The "best interests of the child" standard is explicitly used in adoption decisions, while in other social welfare centres decisions term "well-being of the child" is used more (Appendix 4 – copies of relevant decisions).

107. The amendments to the *Family Act* (2007) more particularly determine the obligation to obtain the social welfare centre approval for taking actions during procedures that involve using the property of a juvenile child, and in this way, their interests are additionally protected. Bearing in mind abuses of parents' rights in practice to have the

rights and obligations of the child at their disposal within parental care, concluding contracts in which the child is obliged *pro futuro* to return money he/she earned through sponsorships of various physical or legal persons, engaged in finding young sport, artistic or other talents, it is explicitly prescribed that for concluding such contracts, an approval from the social welfare centre is required, and obligations from such contracts may last for not longer than the period until the child turns the age of majority.

108. This principle is present in a range of other legal provisions. The *Act on Police Affairs and Authorities* prescribes the obligation of a police officer who uses police authority against juveniles, young adults and in cases of criminal justice protection of children and juveniles to take into account protection of the best interest. In creating new and amending existing acts, account is taken of the principle "the best interests of the child" (e.g. the new *Act on the Protection against Family Violence*; production of the new Penal Code; production of amendments to the Act on Juvenile Courts). The best interest of the child is emphasised also in national strategic documents of which we single out: the *National Plan of Activities for the Rights and Interests of Children 2006-2010*, *National Programme for the Protection and Promotion of Human Rights 2008-2011*, *National Strategy of the Protection against Family Violence 2008-2010*, *National Programme for Youth 2009-2013*, etc.

109. In relation to the application of the stated principle in court decisions, we will mention:

(a) In accordance with information from the County Court in Zagreb, at pronouncing criminal justice sanctions to juveniles, aged from 14 to 18 years, the court obligatory acts in accordance with the provision of the *Act on Juvenile Courts* that says: "The purpose of juvenile sanctions is to provide protection, care, assistance and supervision and, by ensuring general and professional training of the juvenile perpetrator of a criminal act, to influence his/her education, development of his/her overall personality and strengthening his/her personal responsibility." Therefore, it is immanent for the council for youth, when pronouncing a criminal justice sanction, to act also in "the best interest of the child";

(b) In accordance with information of the Municipal Criminal Court in Zagreb, in court procedures in which children participate, the Convention is applied, as well as the *UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime – ECOSOC Resolution 2005/20*, in accordance with which children as witnesses, and especially as victims of crime in a court procedure are questioned with the help of professionals using technical aids without confrontation with the perpetrator and other parties, considerately, in a way appropriate and understandable to the chronological age and degree of mental development of the child, in order to prevent and reduce secondary victimisation and negative consequences that criminal proceedings may have for child (Appendix 4 – judgements XXX-KZM-92/09, see page 9, para. 1, and XXX-KZM-111/05 see page 2, para. 2);

(c) Based on information of the Municipal Civil Court in Zagreb, the principle of the best interest of the child in court procedures, as well as application of recommendations by the Committee, are applied and conducted in all court procedures, civil and non-contentious in which it is decided on the rights and interests of the child in accordance with provisions of the Family Act – procedures in which a decision is made regarding which parent the child will live with, meetings and encounters, and procedures in which measures for the protection and well-being of the child are pronounced. The application of these principles is ensured also through implementation of the Convention and European Convention on the Exercise of Children's Rights.

C. The right to life, survival and development (art. 6)

Recommendations Nos. 27 and 28

110. Measures that are continually taken in this field led to improvements in demographic picture, proven by statistical data (Tables 5, 5.a-5.g in Appendix 2), which indicate an ascending trend and realisation of one of the main goals of the National Population Policy, which is stopping further decline in the number of newborn children.

111. For the purpose of improving physical and mental health of children as one of the preconditions for a decrease in the number of violent deaths, realisation of the Project of the Centre for crisis situations Zagreb "*Early detection of symptoms and risky behaviour in children and youth*". Activities of the project (2008/2009) were educational workshops and seminars in healthcare, educational and academic institutions in larger regional centres. The aim was to increase training in early detection of depressive symptoms and risks of suicidal behaviour of all professionals in the field of the children's mental health protection. In 2010, the continuation of the implementation of the *Programme for early detection of depression and suicidal risk with children and youth* and the initial project of clinical monitoring of patients with deliberate self-injuries was performed, which showed a reduced risk of suicidal behaviour in the monitored population. Following this project, in 2010, the ***Draft of the National Programme for Prevention of Suicides among Children and Youth*** was produced, which is based on the promotion of mental health. The proposed programme includes as implementers teams for psychological crisis interventions in the educational system as preventive school teams (for number of suicides committed by persons under the age of 18 years, see Tables 6.j and 6.k in Appendix 2).

112. Mortality of children and youth under the age of 19 years is low, and a high portion in the total mortality, morbidity and disability have injuries that represent an important public health problem (Table 6.c in Appendix 2). The purpose of the prevention is to reduce the number of deadly injuries, disabilities and injuries. The ***Plan and Programme of Health Protection Measures*** places injuries in priority health problems and states measures and activities for their implementation. Regarding the need for a more efficient prevention, the ***National Programme for Prevention of Injuries among Children and Youth*** draft was made.

113. The ***Act on Road Safety*** (2008) prescribes special conditions for the transportation of children in vehicles with the aim to raise the level of safety of children during the transport (e.g. a child under the age of 12 years may not be transported on a moped or motorcycle; a driver of a motor vehicle may transport a child under the age of 5 years only on the back seat and in special safety seat, which is fastened to a vehicle by a safety belt of the vehicle or by special clamps in the vehicle; driver of a motor vehicle may transport a child aged above 5, and under 12 years only on the back seat, and the child must sit on a special base appropriate for his/her height so that he/she can fasten a seat belt in three points, and if the child is fastened by a two-point seat belt, special base for sitting is not mandatory; driver of a motor vehicle may transport a child under the age of 2 years on the front seat if the vehicle does not have a passenger airbag or if the passenger airbag is off and if the child is transported in a safety seat placed opposite from the driving direction, that is fastened to the vehicle by the seat belt in three points or by special clamps in the vehicle; a child in the special seat in the vehicle must have a fastened seat belt).

114. With the aim of raising safety standards and general safety of children, in 2008, the ***Rulebook on Conditions that Must Fulfil Buses for Organised Transport of Children*** (amended in 2009) and ***Rulebook on Programme and Manner of Training and Acting and Uniform and Marks of Youth Traffic Units and School Traffic Units*** were adopted. For the number of children injured in traffic accidents, see Tables 5.c-5.h in Appendix 2.

115. The implementation of the *National Programme of Road Safety* (1994) 2006-2010 was continued with the aim to decrease the number of deceased in road traffic accidents. Previous implementation of the National programme resulted in: a decrease in most serious consequences of traffic accidents in conditions of permanently growing traffic; a significant increase in the preventive actions of police and a decrease and more modern repressive actions; raising the awareness of citizens about road safety issues; sensitising the media and public regarding this problem; increase in the road culture; inclusion of all relevant bodies and organisations into the programme implementation.

116. With the aim of decreasing injuries to children as participants in the traffic process, within activities of the National programme "Protection of children, youth and most vulnerable participants in traffic" each year actions are conducted such as: "*Respect our signs*" – police officers hold lectures in all primary schools, in which they familiarise children who attend first grades of primary schools and their parents with basic rules of traffic behaviour; "*Safe and skilfully in traffic*" – educational and entertaining activity; "*Safe in traffic*" – contest of higher grade primary school pupils in the skill of riding a bicycle (county and state levels); education of children in sixth, seventh and eighth grades for work in school traffic units whose daily task is to physically regulate traffic of pedestrians and vehicles on pedestrian crossings in school zones; contest of school traffic units (testing knowledge from the fields of traffic regulations and riding a bicycle – previously police officers visit schools and assign points for the quality of work of school traffic units); and education of children of older kindergarten age through conversations with children and short lectures in parent meetings. These are only the main activities implemented on the national level, while police administrations on local levels, according to their own judgment, also conduct other activities aimed at increasing children's safety in traffic.

117. In 2010, education of county teams was organised of the Pilot project "*Traffic prevention in primary school – introduction of traffic education in primary schools*", with the long-term goal – introduction of traffic education as a compulsory programme in primary schools, where children will be educated and trained for independent participation in traffic (as pedestrians and as bicycle riders). For the purposes of conducting this project, 21 three-member county teams were established for which in 2009 professional training was held, and who in 2010 in their counties conducted education of pupils. Until now, this project included only pupils from 5th grades of primary schools. The effect of all mentioned measures is visible from a descending trend of deaths and injuries of children in traffic (Tables 6.c-6.h in Appendix 2).

D. Respect for the views of the child (art. 12)

Recommendations Nos. 29 and 30

118. As a signatory to the Convention, the Republic of Croatia fully completed at the legislative level the obligation to ensure the right of the child to express his/her views in all matters affecting the child, when he/she is capable of forming own views. As a member of the Council of Europe even before the ratification of the European Convention on the Exercise of Children's Rights, the Republic of Croatia has already built into its legal system (The *Family Act*) principles and legal standards included in its content. This Convention will be applied in 5 categories of acting in family cases: deciding on parental care during the divorce of marriage, realisation of parental care, measures for protection of personal rights and interests of the child, adoption and guardianship. As we have already pointed out, the principle of respecting the views of the child is embedded in provisions of the *Family Act* and it is prescribed that the child has the right to choose education and vocation, as well as the right to employment in accordance with his/her capabilities and well-being. It is

prescribed that the child has the right to ask for the protection of his/her rights before competent bodies that are obliged to inform the social welfare centre of this. In the procedure sense, the provision of the Family Act (2003) is important, according to which in status matters the court may allow, for the purpose of exercising rights and interests, some actions in the procedure to be taken by a party who is unfit for work, which could also be an older child if he/she is able to understand the meaning and legal consequences of these actions. Also, the court's obligation is to enable the child, in accordance with his/her age, maturity and well-being, for the purpose of exercising his/her rights and interests in status matters, to express his/her views before the social welfare centre or court.

119. Through professional meetings and administrative and inspection supervision over social welfare institutions, the importance of this right of the child was additionally emphasised, which resulted in that social welfare centres, in determining the supervision over parental care execution, mandatory, in an appropriate way, include the child in the procedure, and take into account the views of the child in divorce proceedings at determining the guardianship of the child and at issuing approvals to a parent for taking or burdening the child's property. The rights of the child ensured by the Convention, related to the expression of and respect for the child's views, freedom of expression, freedom of thought, conscience and religion and the protection of privacy, are ensured by regulations, education and administrative and inspection supervision.

120. Social welfare centres generally appropriately (interview with a psychologist or social worker) familiarise the child with important circumstances in the divorce of parents or solving the question of meetings and encounters with the other parent. Through the administrative supervision, centres which do not do this or did it in an inappropriate way, were requested to correct their proceeding practice. Centres still insufficiently include the child into the procedure of pronouncing the supervision measure over parental care execution, about which they are warned and requested to act differently. The same logic in the sense of respecting the right of the child to express his/her views is followed by other family justice institutions whose aim is to protect those who cannot take care for themselves. This way, it was determined that a juvenile ward has the right to learn in an appropriate way important circumstances of the case, obtain advice and express his/her views and be informed about possible consequences of respecting his/her views when it is decided on any of his/her rights or interests. Views are also taken into account in accordance with his/her age and maturity.

121. Before taking significant measures of the protection of the ward's person or his/her property interests, the guardian is obliged to consider the views, wishes and feelings of the ward. The social welfare centre will ask for the ward's opinion regarding the release of his/her guardian if he/she is capable to understand the action. In relation to the application of principles of respecting the child's views in court practice, we state that, in accordance with information of the Municipal Civil Court in Zagreb, and the application of the Committee's recommendations, it is applied and implemented in all court proceedings, civil and non-contentious in which it is decided on the rights and interests of the child in accordance with the Family Act provisions. In court proceedings, taking into account the child's age and maturity, it is ensured that the child expresses his/her views before a professional team, i.e. psychologist of the social welfare centre as expert. If judges decide to call the child to the court, and these are generally children of older chronological age, these are situations when the centre's psychologist has previously given the assessment that they are mature for such an expression and who have stated themselves they are ready to give statement before the court. By establishing the Integrated Court Management System (ICMS), monitoring the decisions and solutions on the basis of the "respecting the views of the child" principle will be possible.

122. Under the *Act on Primary and Secondary School Education*, pupils have the right to respect of their opinions and it prescribes that in schools, student councils are established, consisting of representatives of each class. A representative of the student council participates in the work of school bodies when it is decided on rights and obligations of pupils, without voting rights. The National School Students' Council of the *Republic of Croatia* was also established (details in Appendix 2 Point 7).

123. Under the *Act on Protection of Patients' Rights* (2004), the patient has the right to full information, in a way understandable to him/her regarding the age, education and mental capabilities, with the aim to exercise the right to participate in decision-making in a diagnostic or therapy procedure (including patients with a reduced reasoning ability, in line with age, physical, mental and psychological condition). For an unconscious patient, patient with severe mental disorder and patient unfit for work or a juvenile patient, except in case of an emergency medical intervention, approval is signed by the legal representative/guardian.

124. Practical application of the principle of "respecting the views of the child" is visible also in the institutions of social welfare and foster care for children, in which it is realised:

- By introducing Quality standards of social services in social welfare activities (standard of deciding and self-determination of beneficiaries, privacy and confidentiality, and safety from abuse, complaints and claims, assessment and planning, autonomy and independence);
- By establishing the Beneficiaries Council in institutions where beneficiaries discuss issues affecting their status, fulfilment of personal needs, planning of everyday activities in the institution, determining behaviour rules, creating house rules (this way, their participation in the organisation of life in the home is enabled);
- By active participation of beneficiaries in the preparation of individual work plans (self-planning);
- By applying the principles of individualisation, self-activity, positive orientation and autonomy in programme contents of work with beneficiaries (recognising needs, possibilities and capabilities of each beneficiary, active participation of beneficiaries in the home environment, respecting personality of beneficiaries, and independence regarding organisation of life and work);
- By applying various modern methods of individual and group work with beneficiaries, which enable expression of feelings, attitudes and opinion.

125. Family centres, together with the partners in the local community, continually conduct a range of activities related to the child's right to participation, of which we single out those implemented in 2009: workshops "*Let the children's voice be heard ... we also have our rights*" and "*Children's messages to parents – say no to corporal punishment of children*", forum "*Free and non-dependent*", lecture: "*Parents and children – mutual rights and duties in the spirit of the Convention on the Rights of the Child*", workshops "*Children's rights*", etc. This year's number of magazine "*Child and Society*" (2010) mainly elaborates topics related to participative rights of the child.

126. Establishing *Children Town and County Councils* continues (from 2000) as a form of a desirable active children's participation in the local community social life enabling a meaningful public expression of children's wishes, views, criticism, requests, propositions and messages to adults and authorities, which represents an appropriate form of cooperative and partner relation of children and local authorities. Currently, 21 children town councils are active, and in the final preparation phase are 3 more. Depending on the town/municipality size, the number of council members ("councillors") varies from 10 to

30. In the first session of the town/municipality council, children elect their mayor – children's mayor (a total of 21 in 21 towns/municipalities). For the development of children town councils, the Union of Societies "Our Children", which implements this activity, published a textbook, holds seminars for the founders of children town/municipality councils and until now, 4 annual meetings of children from existing children town/municipality councils were held, where experience is exchanged and new actions agreed. This form of work is also based on volunteering and good will of heads and organisers, with only minor funds from individual towns and municipalities and from expected tender results.

127. In accordance with the *Act on Youth Councils* (2007), representative bodies of local and regional self-administration units are obliged to establish Youth councils, as their advisory bodies, with the aim to actively include youth in the public life of the units (established in 13 counties, 48 towns and 55 municipalities), and youth are human beings aged 15 to 29 years. With the aim to encourage active inclusion of youth in decision making in the field of youth policy on all levels, 4 national youth conferences were organised (2005, 2006, 2007 and 2008) and 5 regional ones (2005 and 2006), and the production of 23 programmes of action for youth was financially supported on the local and regional levels.

IV. Civil rights and freedoms

A. Birth registration, name and nationality (art. 7)

Recommendations Nos. 31 and 32

128. The procedure for determining a personal name of Croatian citizens is determined by the *Act on Personal Name* (not amended since 1994), according to which the personal name of a juvenile child may be changed at parents' request, and if parents are divorced, at the request of the parent that child lives with. If the other parent does not agree with the change, opinion on the justifiability is given by the social welfare centre (annually approximately a hundred such opinions). When parents submit to the police administration or police station a request for the registration of the child's residence and it is entered into the records of the Ministry of the Interior, the child's personal name is entered in these records in accordance with data from the state register.

129. The *Act on State Registers* (1994) is applied for entering into the register of births. The child's birth is reported within 15 days from the day of birth and the entering into the register of births is performed immediately after it is reported. Persons born abroad, acquiring Croatian citizenship, are also entered into the register of births on the basis of a foreign birth certificate (Table 7 in Appendix 2).

130. Acquisition of Croatian citizenship is prescribed by the *Act on Croatian Citizenship* (1993) which is in accordance with Article 7 of the Convention. The Act is based on the main principle of preventing the statelessness, with the aim that children who acquire citizenship by origin or birth are not left without citizenship. Registration of children into the registers of births, as well as acquisition of Croatian citizenship by origin and birth on the Croatian territory, are within authority of registry offices. A child born on the territory of the Republic of Croatia acquires Croatian citizenship by origin if only one of his/her parents is a Croatian citizen. A child foreign citizen or a stateless child, adopted by Croatian citizens acquires Croatian citizenship by origin. Children born abroad, whose one parent at the moment of their birth is a Croatian citizen, may acquire Croatian citizenship by origin until the age of 18, irrespective of whether they have a foreign citizenship. The principle of the best interests of the child is especially implemented through avoiding the statelessness –

a child born or found at the Croatian territory acquires Croatian citizenship if both parents are unknown, of unknown citizenship or without citizenship.

131. Acquiring Croatian citizenship by birth is under responsibility of the Ministry of the Interior – a child acquires Croatian citizenship by birth: if both parents acquire Croatian citizenship by birth or if only one parent acquires citizenship by birth, and the child lives in the Republic of Croatia, and if only one parent acquires citizenship by birth, and the other parent is stateless or of unknown citizenship, and the child lives abroad. In the period from 2004 to 2010, regardless of the legal grounds, 11,945 children obtained Croatian citizenship (significantly larger number acquired Croatian citizenship by origin, under law, from the moment of their birth). The only criteria for granting Croatian citizenship to children is fulfilling legal presumptions, without a criterion of national background. However, for practical reasons, the National Programme for the Roma emphasises the importance of regulating Croatian citizenship for members of Roma national minority and special mobile teams were established (in 8 counties and the city of Zagreb) who assist them in exercising status rights. The announced confirmation of the *UN Convention on the Reduction of Statelessness* of 1961, will additionally influence a reduction in the number of cases of stateless children.

132. *Act on Primary and Secondary School Education* (2008) prescribes that at the moment of the accession of Croatia to the EU, with the aim of learning Croatian language, schools will be obliged to ensure additional classes for pupils children of Croatian citizens returning from abroad, but also for children residing in Croatia, who are members of families of workers citizens of another EU member who works or have worked in Croatia.

B. Preservation of identity (art. 8)

133. In addition to personal name, an element of a child's identity is also his/her origin. The amendments to the Family Act (2007) enable re-entering the birth fact for adoptees in the register of births – based on the decision on adoption, the registrar enters into the birth register of adoptees enters the adoption entry with a note that based on this entry no more documents may be issued (the procedure is elaborated in more detail by a by-law regulation).

134. The identity protection of children and youth is ensured by various regulations. The *Act on Execution of Sanctions Imposed on Juveniles for Criminal Acts and Misdemeanours* (2009) prescribes the secrecy of data on juveniles. Data on juveniles and progress of sanction execution are governed by the protection in accordance with regulations on personal data protection and secrecy of data protection. Access to these data is allowed only for officers who participate in the execution of sanctions and bodies that conduct supervision, and for the juvenile and his/her parents or guardian, who may be denied access to data when this is in the interest of the sanctions execution purpose and in the interest of the juvenile. Insight into data is allowed only for the purpose of finding and sanctioning perpetrators of criminal acts and state bodies, at request, will obtain required data. Without permission from juvenile court, or misdemeanour court responsible for supervision over sanction execution, the sanction execution progress may not be revealed. Only data for which there is approval, without name and surname of the juvenile and data that reveal the juvenile's identity may be published.

135. The *Media Act* (2004) prohibits publishing information that reveals the identity of a child, if his/her well-being is thereby jeopardised. The *Act on Electronic Media* (2009) prohibits publishing information that reveals the identity of a child involved in cases of various forms of violence, regardless of whether he/she is a witness, victim or perpetrator or he/she attempted or committed suicide. It is also prohibited to reveal details from his/her family and private life. For the offence, fines are prescribed, and the Electronic Media

Council makes decision on seizure of concession or approval for the media service provider in case of the ban violation.

136. The new *Rulebook on the Protection of Juveniles* of 2010 (previous Rulebook of 2008 ceases to be effective) regulates the obligation of media service providers (television and radio), media service providers at request and electronic publications providers to act in case of publishing programmes for which it is probable that they could jeopardise physical, mental or moral development of juveniles, and their identity. In information on any form of violence and role of a juvenile, his/her identity is protected by a blurred, quantised or disguised picture or modulated voice so that they cannot be recognised.

C. Freedom of expression and the right to seek, receive and impart information (art. 13)

137. In accordance with the *Act on Primary and Secondary School Education*, pupils have the right to: information in all matters affecting them, advice and assistance in problem solving, assistance from other pupils, complaints that may be submitted to teachers, principal and school committee, participation in the work of student councils and production and implementation of house rules, and to propose improvements in the educational process and work.

138. The child's freedom of expression is also supported by the *Act on Volunteering* (2007). Children under the age of 15 years may not be volunteers in the sense of this Act, but may be included in education for volunteering. Prior to including these children into education for volunteering, the Act prescribed additional protection conditions – activities may not be conducted between 8 p.m. and 6 a.m. on a working day in which the child has school obligations, and between 11 p.m. and 6 a.m. on weekends and holidays, and the organiser of volunteering may only be an educational institution, social welfare institution or other legal person that organises volunteering with the permission from competent bodies. Children above the age of 15 years may volunteer with additional conditions and protection, i.e. with written consent by the legal representative and supervision and support from the volunteering organiser. Volunteering may only be organised through activities appropriate for the age and skills of children and may not represent a risk for health, development and fulfilling school duties. The Act doubles the fines for disobeying the provisions, if offences are against children. The Volunteer Code (2008) requires paying special attention to supervision and support with the aim to protect volunteers. During 2011, first official indicators on children included in volunteering are expected.

139. Within social welfare institutions, the child is ensured the right to complaints and claims (confidentiality box), participation in the Beneficiaries Council and interest groups and various home bodies (Nutrition Commission), as well as participation in associations and clubs in the local community. In all homes, home newspapers are published, editors of which are children who freely express their attitudes and opinions.

140. Children forums continue to be established, the aim of which is to familiarise children with their rights in a creative way. Children forums were designed by the Union of Societies "Our Children" Croatia (75 children forums include approximately 1,500 children), which holds seminars and counselling for children forum leaders – volunteers, annual children forum meetings and joint sessions with representatives in the Croatian Parliament, where children express their opinions, propositions and requests for a better exercise of the rights of the child. For the development of children forums, funds from the State budget and sponsors are used. Traditionally, *Action "Towns and municipalities – friends of children"* is also conducted in cooperation with this Union and Croatian society for preventive and social paediatrics with the aim to encourage local authorities to a more

efficient exercise of children's rights and active participation of children in decision-making at the local level. Honorary title: *Town/municipality – friend of children* (plate placed on entrances to the town/municipality) is awarded upon fulfilling all requirements from 10 programme fields, and until now, 24 towns/municipalities received the title. The programme is implemented by coordination committees of towns/municipalities on a voluntary basis, and the funds from state budget are supplemented by allocated funds from towns and municipalities.

D. Freedom of thought, conscience and religion (art. 14)

141. The *Family Act* prescribes that the child's upbringing must be in line with his/her age and maturity, and with the freedom of conscience, religious or other belief and other regulations also guarantee the exercise of this right. The *Asylum Act* prescribes that an asylum seeker, foreigner under subsidiary protection and foreigner under temporary protection has the right to the freedom of religion and religious education of children ("Religion especially includes theistic, non-theistic and atheistic beliefs, participation or non-participation in private or public formal religious rituals, either independently or in association with others, other religious rituals or expression of religion, or forms of personal or joint behaviour that are based on religious belief or arise from it").

142. In accordance with the *Act on Health Protection* (2008), each human being has the right to nutrition in accordance with his/her views and performing religious rituals during the stay in a healthcare institution in the area intended for this purpose. The *Act on Protection of Patients' Rights* (2004) ensures respecting the patient and the right to physical and mental integrity and the protection of privacy including respect for the privacy, worldview and moral and religious beliefs. Expressing the freedom of thought, conscience and religion is also enabled for beneficiaries of social welfare institutions/ children's homes individually or in a community, in a public or private way of expressing religious feelings and by participating in religious rituals. Based on these rights and agreements with religious communities, in healthcare and social institutions, spiritual assistance is provided, and funds are ensured in the state budget (2010 – HRK 1,466,000.00). In relation to satisfying religious needs of children in correctional institutions – see field *Legal protection of juveniles*. Following previous reports, new agreements between the Croatian government and religious communities/churches related to issues of mutual interest have not been signed.

143. Based on regulations, religious communities may establish religious schools, colleges and kindergartens (50 kindergartens are active with 3,945 children – 48 Catholic, 1 Jewish and 1 Evangelic). Catholic religious education is conducted, based on parents' consent, in 278 kindergartens established by towns and municipalities (14,000 children). Also, 2 primary catholic schools and 16 secondary schools of various religious communities are active.

E. Freedom of association and freedom of peaceful assembly (art. 15)

144. The new *Act on Associations* (2001) replaced the previous one of 1997. The Act on Associations prescribes that association members may become all natural persons fit for work and legal persons, under the same conditions determined by this Act and the association's statute. In relation to persons unfit for work or of limited legal capacity, which relates also to children, it is prescribed that they may become members of associations, but without voting rights in the association's bodies, and it is determined that the way of their participation in the association's work is defined by the statute. Association's goals as a form of free and voluntary association, are determined by its statute, and are realised, in

accordance with the Act, by performing activities of the association for the purpose of protecting interests or advocating the protection of human rights and freedoms, and children as well (for example, in relation to exercise of humanitarian, cultural, informational, prenatal, educational, social, sport, health and other beliefs and goals).

145. Associations are entered into the Associations register from which it is visible that until 2010, approximately 230 new associations were recorded engaged in association and protection of children and youth (a total of approximately 1,070 registered). Associations established for performing other activities may also include children in their programmes, if they are engaged in the above mentioned activities.

146. Foreign associations may perform their activities on the territory of the Republic of Croatia in accordance with the Act, after entry into the Foreign associations register in which 1 new foreign association was registered engaged in association and protection of children and youth (a total of 4 registered). In accordance with the Act on Associations, an association may be established by at least three founders, legal persons or natural persons fit for work, and a member of an association may become any natural person fit for work and legal person. In accordance with the Act, a list of an association members is not among documents prescribed as an appendix to the request for entering into the associations register, but associations are obliged to maintain lists. Therefore, data on the number of association members are not entered by the state administration offices into the Associations register by duty, nor do they keep lists of association members in the files they maintain for associations by duty. Table 1 in Appendix 2 presents amounts allocated to civil society organisations in the reporting period for implementation of projects for children.

147. With the purpose of promotion and development of civil society and provision of professional and financial support to programmes that encourage sustainability of the non-profit sector, inter-sectoral cooperation, citizen initiatives, philanthropy, volunteering, improve democratic institutions of society, directed, among other things, to children, in 2003, the *National Foundation for Civil Society Development* was established, and from 2002, the *Council for Civil Society Development* is active.

148. With the aim to improve working conditions of non-governmental sector, sub-sector for children, the *Coordination of Associations for Children* was established (2004) as an informal network of associations. The Coordination formalised its work in 2007, and the main activity is directed to monitoring the National Plan of Activities for the Rights and Interests of Children 2006-2012 implementation. The National Foundation for Civil Society Development and UNICEF funded the project implemented by the Coordination of associations for children titled "Monitoring contributions of associations for children to the National Plan of Activities for the Rights and Interests of Children 2006-2012", in 2007, 2008 and 2009. The project results are an integral part of the Report on the National Plan of Activities for the Rights and Interests of Children 2006-2012 implementation – for 2006, 2007 and 2008.

F. Protection of privacy and protection of the image (art. 16)

Recommendations Nos. 33 and 34

149. The privacy of children is protected by provisions of the Penal Code, the Act on Juvenile Courts, the Act on Criminal Proceedings, the Act on Misdemeanours, the Act on Social Welfare, the Act on Civil Obligations, the Media Act, but also other regulations.

150. Within criminal legislation, special protection of the child was ensured after the adoption of the *Amendments to the Penal Code* (2006), which, in relation to criminal act Revealing personal or family circumstances, introduced new incriminations. A new qualified form of this criminal act was introduced, perpetrated by a person who reveals or

imparts something from the personal or family life of the child, due to which the child is exposed to mockery by peers or other persons, or has experienced severe mental difficulties, for which imprisonment of 6 months to 3 years is prescribed. Specially incriminated is an official or other person who, in performing his/her professional activity, commits the crime of revealing personal or family circumstances. For this most severe form of the crime, imprisonment of 1 to 3 years is prescribed. Privacy of children is protected also through the criminal act of violation of the procedure secrecy, perpetrated by a person who unauthorised reveals what he/she has learnt in a procedure before court, in an administrative procedure, procedure before a public notary or disciplinary procedure, which is considered a secret on the basis of law or decision based on law. *Amendments to the Penal Code* (2004) made the sanction for perpetrators of this criminal act more severe in a way that imprisonment of up to 3 months was prolonged to imprisonment of 6 months. The purpose of this incrimination is the protection of the interest of procedure in which the public is excluded from the main hearing. *Amendments to the Penal Code* (2008) prescribe a qualified form of the criminal act of violation of the procedure secrecy where the perpetrator who without the court's permission reveals the progress of the criminal proceedings against a juvenile or the decision in the case is fined or sentenced to 6 months imprisonment. Information or facts about the violation of children's right to privacy in media may be submitted to the state attorney also by other state bodies (police, children's ombudsman) on the basis of which, an appropriate decision on launching a misdemeanour or criminal proceedings may be made.

151. The *Act on Juvenile Courts* prescribes that without court's permission neither the progress of criminal proceedings against a juvenile nor the decision made in this case may be revealed, and that only the part of the proceedings, i.e. the part of the decision may be revealed for which there is a permission, but then the juvenile's name may not be published, nor other information based on which it could be understood who is the juvenile in question. The prohibition of revealing the progress of criminal proceedings (relates to informing the public, generally through the media, on process documents, actions in the proceedings and their result for juveniles) includes measures and actions that are taken against the juvenile before launching the formal criminal proceedings. The same also applies in cases of committing criminal acts against children or juveniles.

152. Both effective *Acts on Criminal Proceedings* (of 1997 and 2008) contain a number of provisions that protect children's and juvenile's privacy in criminal proceedings. The *Act on Criminal Proceedings* (1997) protects the privacy of children and juveniles in several ways, so a possibility is given to an investigation judge or an police official who undertakes investigation action to order secret keeping to persons who are present or inspect the files in which there are certain facts or data they learnt in this way, and to warn them that revealing the secret is a criminal act. This possibility is foreseen if required by interests of the criminal proceedings, keeping secrecy, public order or moral reasons. The order is entered into the records and written on the file, signed by the person warned. It is prescribed that a child or a juvenile victim in criminal proceedings has the right to the secrecy of personal data and exclusion of public. The *Act on Criminal Proceedings* (2008) also protects the privacy of a child by provisions on the secrecy of the proceedings, on the exclusion of public from the hearing, but also by provisions on questioning the child as witness. In no phase of the procedure may the child meet the defendant as his/her questioning is conducted without the presence of judge and parties in a room where the child is located using an audio-video device operated by a professional assistant. The questioning is conducted with the help of a psychologist, pedagogue or other expert, and a parent or guardian is present at the questioning, except in case when this is contrary to interests of the procedure or the child. A possibility of excluding the public during the main hearing is foreseen, either by duty or at request of parties, for the entire or a portion of the hearing, if necessary even for the protection of personal or family life of the defendant, injured party

or other stakeholder in the procedure; with the aim of keeping secret, thereby protecting the public hearing or the well-being of the juvenile.

153. The *Act on Misdemeanours* prescribes that in the procedure against juvenile offenders, without court permission, the progress of the misdemeanour trial may not be published nor the decision in the proceedings, i.e. only the part of the proceedings and the decision for which there are permissions may be published, but even then name of the juvenile or other data based on which it could be understood who is the juvenile in question may not be published. The *Act on Police Affairs and Authorities* prescribes the obligation of a police officer using authority against juveniles, young adults and in case of criminal justice protection of children and juveniles, to take into account the protection of their privacy. The *Act on Social Welfare* prescribes that professionals must perform their work in accordance with professional rules and respect the beneficiary's personality, dignity and integrity of his/her personal and family life and that they are obliged to keep as a professional secret everything they learn about the personal and family life of the beneficiary. Other employees of social welfare institutions are also obliged to keep professional secret, and the violation of keeping the professional secret is a sever violation of obligations from the employment.

154. The privacy of children is protected by the *Family Act*, so, for example, information on adoption are an official secret, the public is excluded in the adoption procedure, and it is also excluded in all court proceedings where status issues are decided. The *Act on Civil Obligations* of 2005 (amended in 2008), as the general regulation of mandatory law, prescribes the principle that each physical and legal person has the right to protection of his/her personality rights, for example, the right to life, physical and mental health, reputation, honour, dignity, name, privacy of personal and family life, freedom and protection of other rights. A provision of this Act, which defines the notion of damage, defines non-property damage as a violation of personality rights. In respect of repairing non-property damage, the Act prescribes the right to publish the judgement or correction and the right to the just cash compensation, and enables submitting the request to terminate the violation of personality rights. The Act prescribes that every person (i.e. both physical and legal persons) has the right to require the court or other competent body to order a termination of the activity that violates his/her personality rights and removal of consequences resulting from this action (two claims are included). The right to the just cash compensation for non-property damage exists under presumptions prescribed by the Act, and accordingly, the court will, in case of personality rights violation, if it finds that the severity of violation and case circumstances require, award a just cash compensation to a physical person, independent of the compensation for property damage, and even when there is none.

155. The *Act on Protection of Patients' Rights* (2004) prescribes: "At examination/treatment, and especially at providing personal care, a patient has the right to conditions that ensure privacy". The patient has the right to confidentiality of data related to his/her health condition. He/she also has the right to give statement on persons who may be informed on his/her health condition and reception into a health institution, and name persons who may not. Respecting the privacy of the patient is additionally emphasised through the *Ethics Codes* of individual health professions.

156. The *Media Act* (2004) prescribes that media are obliged to respect the privacy, dignity, reputation and honour of citizens, and especially of children, youth and family regardless of their sex and sexual orientation. Under the *Rulebook on the Protection of Juveniles*, as already said, in information on any form of violence and the role of a juvenile, the juvenile's identity is always protected by a blurred, quantised or disguised picture and modulated sound so that the juvenile may not be recognised. In such information, neither

details from the child's family relations and private life nor personal data about the juvenile may be stated.

157. In addition to legal regulations that are exclusively related to the programme, the Croatian Radio Television (hereinafter: HRT), as the national television, by its *Ethics Code* obliges its employees to respect professional standards and ethics principles. The Ethics Code contains articles on the respect of privacy, dignity, reputation and honour of each person and fundamental rights of others, and specially of children and youth and states that every report or show, with images that may in any way shock or emotionally disturb the audience, must be specially announced with the warning that the following contents are not appropriate for children and other sensitive persons. An entire chapter of the Ethics Code is devoted to the protection of children. Among novelties, that on the Croatian Television (hereinafter: HTV) additionally protect juveniles in television programmes, may also be included obeying the *Rulebook on the Protection of Juveniles in Television Programme* that was adopted by the Council for Electronic Media during 2008, and which defines which programme contents may be broadcast at what time. Obeying this Rulebook, HTV marks all programmes, that may potentially jeopardise the development of juveniles, by appropriate marks (12, 15 or 18), for those that may not be broadcast before 9 p.m. (mark 12), 10 p.m. (mark 15) and 11 p.m. (mark 18).

158. At the end of 2009, the *Code of Honour of Croatian Journalists* was amended, strengthening the provisions related to the protection of intimacy of a human being from sensationalistic and any other unjustified revelation in public, with a special emphasis on children. The New Code gives special attention to reporting on suicides. Members of the Croatian Journalist Society are co-authors of book "*Psychology – media – ethics*" (experiences and thoughts for better cooperation) that uses specific examples to talk about violations of children's right to privacy in the media and also provides guidelines to journalists for appropriate reporting. The book was included in mandatory lists of study literature by numerous professors of psychology and journalism.

159. In the part related to the media treatment of children, competent organisational police units are continually warned about the need of a considerate action in cases of criminal justice protection of children and juveniles and the obligation to respect privacy of juveniles and principle of the proceedings secrecy. Application of these principles is especially important in situations of media presentations. In public announcements, when the public is informed on events in which children and juveniles are included, only those information are stated on the basis of which it is impossible to conclude who is the child, juvenile or young adult in question. In cases of juvenile or young adult perpetrators, initials of their names and surnames are not stated, but only the age of these persons.

160. The *Textbook with Guidelines for Media Reporting on Family Violence* (2007) contains act provisions prescribing the protection of privacy in the media, and provides guidelines for reporting on cases of violence with emphasis on the protection of victims of violence, especially children. The Council for Children established a Working group of the Council for Children for the preparation of guidelines for reporting on children in the media that will also propose possible measures aimed at further improvement in the protection of children's rights in the media. Seminar for journalists on topic "*How to report on human trafficking issues*" was held (2008). Special attention is given to the protection of identity, privacy, family and other circumstances of a child or juvenile in media reporting and in investigative journalism. Twenty journalists were educated on this topic. In 2007, the forum titled "*Reporting on children – initiative for the protection of children's privacy in the media*" was held. The Children's Ombudsman encouraged organising the forum that would represent the initiative for achieving higher standards of reporting on children in order to additionally educate and familiarise the public and other persons, who directly or indirectly in their work come into contact with children, with children's right to privacy in the media,

manners of reporting on children, consequences that revealing the identity may have on their future development, ethical and legal standards for the protection of the right to privacy and manners of their implementation. In 2009, the Office of Children's Ombudsman published the Collection of announcements from the forum titled "*The Protection of children's privacy in the media*".

G. Access to information from a diversity of sources and protection from material harmful to his or her well-being (art. 17)

Recommendations Nos. 35 and 36

161. Special attention is paid to the promotion of cultural interests of children, such as books and publishing, library activities, museum and gallery activities and digitalisation of material in this field. Completion and renovation of departments for children and youth in public libraries is supported (purchase of book for children and equipment, toys and games and audio-visual material). A total of 202 public libraries are active, which also have dislocated branches. Children departments are established in 173 public libraries in all counties and 12 bookmobiles are active with 355 stations that visit areas without libraries and, in addition to children literature funds, also have special programmes for children (Tables 8 and 8.a in Appendix 2). Support for book publishing and organisation of events for children and youth is continually ensured.

162. Within the Public call for the purchase of books for public libraries, books for children and youth are co-funded as well as programmes of publishers specialised for young domestic authors. Literary events are also co-funded, which motivate young people for creative activities – literary awards for works of children and youth and literary/ poetic meetings. In the field of museum and gallery activities, events and pedagogic workshops and play-rooms are supported that include children (e.g. in the Museum of Evolution and Prehistoric Human Habitation "Hušnjakovo") and educational and other museum programmes are co-funded. In the field of digitalisation of library and museum material we single out Project "*Croatian Cultural Heritage*" (2007) which encourages accessibility and visibility and a systematic and equal access to the digitalisation of material in cultural institutions – for example, portal "*Croatian Cultural Heritage*" which is accessible to children and may be used for educational purposes, assistance in working tasks and familiarising with the Croatian cultural heritage. Table 3 in Appendix 2 states amounts of funds granted intended for funding the above mentioned programmes.

163. Cultural and artistic expression is enabled to children also by participating in shows about children and for children produced by HRT, which helps in developing personality, talent and mental and physical capabilities of children (2 hours daily of the target programme for children and youth). HTV (Croatian television), as the only public national television medium has a significant role and responsibility in this process – it produces and broadcasts shows intended for education of children and youth; respects privacy, dignity, reputation and honour of citizens, especially of children and youth; and specially does not encourage, does not promote, nor praises violence and crime, and does not encourage children and youth to use tobacco products, alcohol or drugs. Programme contents which obviously harm the physical, mental or moral development of children and youth are broadcast at time not easily accessible to children, and shows for children are not interrupted by advertisements.

164. Individual shows elaborate topics of abused children, sexual rights, right to healthy environment, education, healthcare, sexual orientation and other rights of children. International Children's Day, 20th November, by appropriate reports, news and shows, and the entire week or even the month of the rights of the child is devoted to this topic. During

the year, UNICEF clips are broadcast that talk about the right to play, protection from exploitation, abduction and trafficking, sexual abuse, etc.

165. In the Programme for children and youth within the Children's morning, shows are broadcast for children of pre-school age and pupils in lower grades of primary school, with contents adapted to their age. Daily shows thematically include all fields related to a thorough education of children. Croatian radio in its programme also broadcasts shows about children and for children. Shows of Educational and Children Programme, every day include children and youth, parents and all persons who participate in their education, and associations.

166. Significant progress in this field was made in the protection of children from negative consequences of modern ways of informing and reporting. In accordance with the *Act on Electronic Media* (2009), audio-visual commercial communications, promoting alcoholic beverages, may not be explicitly directed to juveniles and encourage their excessive consumption; may not cause moral or physical harm to juveniles, directly encourage juveniles to buy or rent a product or service, abusing their inexperience and credulity, directly encourage juveniles to convince their parents or others to purchase goods or services that are advertised, use special trust that juveniles have in their parents, teachers or other persons, or recklessly depict juveniles in dangerous situations.

167. It is forbidden to present logos of sponsors during children's shows and to market products in children shows. In audio-visual or radio shows it is not allowed to: broadcast reports that insult the dignity of a human being, broadcast reports of specially immoral and pornographic contents, in any way encourage, promote and praise violence and crime and encourage citizens, and especially children and youth, to use tobacco products, alcohol or drugs. Audio-visual or radio shows that may seriously jeopardise physical, mental or moral development of juveniles are not allowed, especially those that include pornography or causeless violence. Audio-visual or radio programmes which could probably jeopardise physical, mental or moral development of juveniles are not allowed to be broadcast, except in case where the publisher television or radio ensures, by selection of time of broadcast or any technical measure, that juveniles in the broadcast area will not, in normal circumstances, hear or see such programmes.

168. If such programmes are broadcast in a non-encoded form, the publisher is obliged to ensure that an audio warning precedes them or that they are easily recognised by visual symbols during the entire duration. The stated Act prescribes that advertising and telemarketing intended for juveniles or which use juveniles, will avoid everything that could harm their interests and moral or physical harm to juveniles may not be caused; advertising and telemarketing of alcohol and alcoholic beverages may not be directed specially to juveniles, or specially, depict juveniles consuming such beverages; programmes for children, if shorter than 30 minutes, will not be interrupted by advertising clips and/or telemarketing clips. Programmes for children may be interrupted by advertising and/or telemarketing once in every foreseen period of at least 30 minutes, under the condition that the planned duration of the programme is longer than 30 minutes.

169. Funds from the Fund for encouraging pluralism encourage the production and publishing of audio-visual and radio programmes of publisher television and/or radio on the local and regional levels which is of public interest, and audio-visual and radio programmes of the publisher non-profit television and/or radio, and they are especially, among other things, important for: national minorities, encouraging awareness on gender equality and encouraging quality programmes for children and youth aimed at promotion of their well-being. The *Rulebook on the Protection of Juveniles* prescribes the obligation of the publisher, for programme contents which could probably jeopardise the physical, mental or moral development of juveniles, which are broadcast in non-encoded form, to ensure a possibility of their recognition by visual symbols during their entire duration (mark in the

upper screen edge – categories 12, 15 and 18). If the programmes, for which it is probable they could jeopardise the physical, mental or moral development of juveniles, are broadcast in an encoded form, the publisher is obliged to ensure a possibility of their recognition using the visual symbol that is broadcast immediately before the beginning of the programme (written warning immediately before the broadcast: "The following content is not appropriate for children and juveniles").

170. Publishers are obliged, at announcing the programme in electronic and printed media, to state the numerical symbol of the age appropriateness of the contents next to the programme title. Reports in informative programme, that could jeopardise the physical, mental or moral development of juveniles, must be announced by a warning on disturbing or violent images. Audio-visual commercial communications may not inflict physical, mental or moral harm to juveniles, they may not be encouraged to purchase or rent products or services, and in programmes intended for juveniles, advertisements may not be broadcast that promote the body cult and social discrimination on the basis of physical appearance or success based on a weight loss or other aesthetic categories.

171. Advertising alcoholic beverages may not be directed to juveniles, may not recklessly depict them in dangerous situations, in non-encoded programmes it is forbidden to publish pornographic contents and juveniles may not be insulted or disdained on any basis. Programmes dealing with betting, fortune telling and other similar services may not be broadcast before 11 p.m. and must be marked by an appropriate graphical symbol. If programmes which could probably jeopardise the physical, mental or moral development of juveniles are published in an electronic publication, the media service provider is obliged to ensure that on the cover page inappropriate images and contents are not published. If such programmes are broadcast in a non-encoded form, the publisher is obliged to ensure the possibility of recognising them using the audio symbols.

172. The *Media Act* (2004) prohibits public exposition and advertising of press with cover pages of pornographic content (not related to sale of pornographic press in special shops). Press of pornographic content must have a visible warning that they contain pornography, as well as the warning that their distribution to juveniles is prohibited.

173. In relation to the issues of computer crime, in all contacts with the media, harm and risks arising from inappropriate uses of computers, the Internet and other communication means are pointed out. On the home webpage of the Ministry of the Interior, a link named "*With Caution on the Internet*" is published which provides advice to parents and children related to the protection from dangers they are exposed to when using computers, the Internet and other means for distance communication. Educational material titled "*Violence over the Internet*" was produced, intended for parents and children. With the aim to establish a better cooperation and coordinated action of all institutions and organisations, that may contribute to better protection of children from abuse over the Internet and mobile phones, in 2009, *Conference on the safety of children on the Internet* was organised. In the following period, cooperation with Internet service providers will be intensified with the aim to apply the Council of Europe Decision (2000) to combat child pornography on the Internet. The cooperation will include: joint work of police and Internet service providers on familiarising Internet users with possibilities of reporting instances of child pornography and other criminal activities on the Internet directly to the police or Internet service provider by making common instructions which would be used by all Internet service providers; informing as larger number of Internet users as possible on possibilities of reporting instances of child pornography on the Internet; defining manners of cooperation in the form of a joint protocol/ agreement; harmonising actions by all Internet service providers in relation to the need to ensure and gather evidence on one hand and to eliminate and prohibit access to such contents on the other. Special attention will be given to

providing information on dangers of the Internet in relation to children and reporting criminal acts perpetrated against children over the Internet.

174. In 2009, the textbook "*Safety of Children on the Internet*" was printed (given as a gift with daily newspaper "Večernji list") for parents, teachers and all persons who participate in children's upbringing, with useful data provided on the Internet, for example, instructions about sites with contents intended for children, where games for children can be downloaded, and browsers for children, adapted for the youngest users of the Internet, but also about dangers that the Internet may bring, for example, unauthorised seizure of personal data, sexual exploitation of children and social networks where child can be exposed to violence, etc. In 2010, cooperation with the Centre for missing and abused children from Osijek was realised in relation to providing financial support to the creation of the program "*SINI – Safe on the Internet*" which controls contents of websites and blocks access to sites with inappropriate contents (violence, pornography, racism, drug abuse, and chat). The program is accessible on website of the association, competent ministry, family centres and its download is free of charge.

175. During 2009, UNICEF expert team produced school programme for the prevention of electronic abuse named "Break the Chain", which was implemented in 3 primary schools and 50 mentors were educated for supporting schools in this programme. Simultaneously, "*Textbook of the electronic abuse prevention programme*" was created in 2,000 copies, that serves as auxiliary aid to teachers in implementing the programme in schools and which was distributed free of charge to all schools participating in the programme and to interested professional public. Internet access was ensured also for children placed in homes and foster families, and with the purpose of protection from inappropriate contents on the Internet, computer programs are installed that disable visiting websites with inappropriate contents. The protection is also implemented by education of users, and by presence of an adult when they use the Internet. TV programmes with inappropriate contents are also encoded.

H. Prohibition of torture or other cruel, inhuman or degrading treatment, including corporal punishment and measures of recovery and social reintegration (arts. 28, para. 2, 37 (a) and 39)

Recommendations Nos. 37 and 38

176. For the purpose of an efficient protection of rights and well-being of the child in the *Family Act* the provision was kept according to which everyone is obliged to inform a social welfare centre on violation of the rights of the child, and the centre is obliged to investigate the case and take measures for the protection of the child's rights. The Family Act determines that parents and other family members may not subject the child to degrading treatment, mental or physical violence, i.e. abuse and that parents are obliged to protect the child from degrading treatment and corporal punishment by other persons. The provision was introduced that the court, before which the misdemeanour or criminal proceedings is held in relation to violation of some of the rights of the child, is obliged to inform the social welfare centre and court competent for pronouncing measures for the protection of the rights and well-being of the child, about launching the proceedings. Decisions on taking away the right of a parent to live with his/her child and raise him/her and on placing the child with behavioural disorder in care into an institution, are placed within responsibility of the court, and may be pronounced also at the child's request.

177. Within criminal legislation, increased protection of children is also provided. The *Penal Code* prescribes criminal acts that may be committed only against a child, which is visible from the acts' titles (e.g. abandoning the child, neglect and abuse of a child or

juvenile). In other cases a criminal act may be committed against any person, but if the victim is a child, the criminal act obtains a qualified form (e.g. international prostitution, violation of maintenance obligation) and a more severe punishment is prescribed for it. The criminal act of abuse during duty or public authority is perpetrated by an official person who while performing duty or public authority abuses another person, insults or generally treats him/her in a way that insults human dignity, and a more severe punishment is foreseen for the act committed against a child. A novelty, related to committing criminal acts against a child or juvenile is introduced by amendments to the *Penal Code* (2006) that prescribes that the age of criminal prosecution does not start until their age of majority. This way, children against whom the act was committed, are enabled to launch criminal prosecution of the perpetrator when they become of age, regardless of their parents and legal representatives (see Tables 9, 9.a-9.1 in Appendix 2). The *Act on the Protection against Family Violence* (2009), paying attention to the protection of children – especially vulnerable family members, explicitly states that corporal punishment and other forms of degrading treatment of children for educational purposes also comprise family violence.

178. According to the *Act on Medical Profession* (2003), a medical doctor is obliged to report to the police or state attorney's office if he/she in the course of medical activities doubts that the health condition of a juvenile was seriously threatened by neglect or abuse. *Act on Primary and Secondary School Education* obliges teachers, staff associates and other employees in school institutions to take measures for the protection of pupils' rights and report each violation of these rights, especially forms of physical or mental violence, sexual abuse, neglect or negligible treatment, abuse or exploitation of pupils immediately to the school principal who is obliged to report it to the social welfare body, or another competent body. Pupils are ensured the right to participate in the work of students' council and in the preparation and implementation of house rules. The institution of school house rules determines: rights of safety and protection from socially unacceptable forms of behaviour, discrimination, hostility and violence.

179. In accordance with the *Rules of Procedure in Case of Violence among Children and Youth*, competent bodies appointed the coordinators and the cooperation of all bodies that participate in preventing, detecting and eliminating violence among children and youth was established (educational institutions, homes for child care, social welfare centres, police stations, healthcare institutions, state attorney offices and local and regional self-administration units). From the data available, it is visible that responsible bodies continually take measures in accordance with the Protocol. With the aim to additionally protect the children placed in institutions, inspection supervision over children's homes is conducted, and an internal supervision by the institutions.

180. Prevention of violence in homes for children is performed also through house rules, time and space structure of the daily rhythm, work programmes and plans. Rules and house rules have a socialisation impact, and beneficiaries actively participate in their development. Work programmes are based on individual and group work aimed at socialising the beneficiaries, understanding the others, cooperation and communication and respecting differences. Work programmes, which include application of modern work methods, professionals intensively work on the development of an acceptable group cohesion, atmosphere and dynamics. Professionals continually conduct evaluation of interactions between the home users (through self-assessment scales, check lists, sociometry).

181. During 2010, institutions introduced the behaviour risk assessment, especially in relation with verbal and physical aggression, and peer violence. Through trainings, users are continually familiarised with peer violence, and are trained for a non-violent conflict resolution (role play method, interaction games), and professionals are continually trained for detecting and acting in case of peer violence. During the implementation of the

inspection supervision, and based on the conflict indicators and stress indicators, interpersonal relations among peers are monitored, and related measures taken by the professionals. In the reporting period, 3 cases of peer violence were recorded in social welfare institutions. Also, based on the report on the work of social welfare centres, in relation with peer violence, the following totals of children and youth aged under 21 years were recorded: in 2007 – 1,545, in 2008 – 1,841, and in 2009 – 1,893 persons. In cases of peer violence measures were taken on the basis of the Family Act, and an increase in the number of warning measures pronounced to parents for errors and omissions in the child care was recorded (in 2007 – 763, in 2008 – 915, in 2009 – 1,012 warnings).

182. According to the data available, in the period from 2005 to 2009, there was a total of 12,475 actions in line with the Protocol, with a growth tendency, which points to an increased activity of police in cases of violence among children and youth, as well as to the consistent application of the Protocol. Also, during 2009, a total of 196,872 planned visits were made to educational institutions zones (kindergartens, primary and secondary schools, pupil and student dorms, colleges and universities). In relation to violence in primary schools, appropriate measures are taken and inspection is sent to schools, which supervises its professional work. An increased protection is also performed through inspection supervision over educational institutions, pupil dorms and other institutions engaged in education (reporting period – 5,791 inspection supervisions).

183. Preventive programmes directed towards the general children and youth population, teachers, pre-school teachers and other relevant subjects, but also to early identifications of risk group of children and youth are encouraged and implemented. Contents on addictions and violence prevention are integrated into the regular and optional school curriculum, additional work and extra-curricular activities. Preventive programmes are a part of annual plans and programmes and annual reports of educational institutions. A number of professional meetings "School preventive programmes – The role of school in addiction prevention" were held, and preventive programmes conducted by civil society organisations were also co-funded. Through the Programme of education measures in combating violence in sports, professional meetings and forums were organised with the topic of prevention of violence in sports, and in cooperation with the Council of Europe, book "*Sport and Violence in Europe*" was translated and published, and educational material "*Racism, football and the Internet*".

184. Since 2003, implementation of UNICEF's programme "*For a Safe and Stimulating Environment in Schools*" continues, which requires participation of all employees and pupils in a school, and consists of "7 steps to safe school". According to data from 2009, continuous implementation of peer violence prevention activities is conducted in 254 schools. Until now, a total of 153 schools obtained certificate "*School without Violence*", of which 9 new ones. The programme includes more than 150,000 children and 10,000 teachers. Until the end of 2009, a total of 48 schools successfully renewed the status of "Schools without Violence", and in school year 2009/2010 additional 39 schools prepared for an evaluation visit and renewal of the status. In 2007, "*Textbook for the Programme For a Safe and Stimulating Environment in Schools – Preventing and Combating Violence among Children*" was printed in 3,000 copies, which were distributed free of charge to all schools included in the programme. Representatives from more than 100 schools, including pupils, established UNICEF's "Network of schools without violence", foreseen as a forum that includes schools that have obtained certificates "School without violence" and interested professional public in combating peer abuse. In 2008, research was conducted on the efficiency of this programme on the sample of 39 schools (4,939 pupils, 1,205 teachers and 1,931 parents) which showed that in schools that consistently implement the programme: children experience less violence; children commit less violence; teachers feel more competent; according to children's statements, teachers react to violence.

185. With the purpose of raising awareness about the harmfulness of corporal punishment of children and promoting positive parenting, we point out launching the Council of Europe campaign against corporal punishment of children organised by the Council of Europe and hosted by Croatia, in 2008, in which Council of Europe's TV spot "*Raise your hand against corporal punishment of children*" was first presented and the media advertising was organised. The National campaign against corporal punishment of children "*I Need Love*" was launched, that was implemented during the entire 2009 through organised activities directed to the widest public, children, parents, educational and public institutions, state administration bodies, local and regional self-administration bodies, judiciary bodies, civil society organisations and professionals. A marketing TV clip of the National campaign was produced, which was broadcast on three major TV stations and on the Croatian radio. The tender for broadcasting radio and television shows and publishing newspaper and Internet reports on topic "Prevention and combating corporal punishment of children" was issued and authors of best shows and reports were awarded. Public support to the implementation of the National campaign was given by the Croatian President at the time, the president of the Constitutional Court, and heads of United Nations agencies in Croatia (UNDP, UNHCR, UNICEF). The most successful programmes at the local level were also presented.

186. During 2009, all family centres participated in thematic shows of local television and radio stations, continually raised awareness of wide and professional public regarding the children's right to growth and development without corporal punishment, they published articles on the importance of responsible and positive parenting and children's rights and conducted a range of other activities. The *Guidelines for Planning, Implementation and Evaluation of Prevention and Treatment Programmes for the Protection of Children against Violence* were also drafted, which were adopted in 2010 by the Council for Children. From 2008 to 2010, within the tender for applying projects by associations for children, 25 projects were funded in the total amount of HRK 742,550.00 for prevention and intervention projects of the protection of children against all forms of abuse and neglect, including corporal punishment of children.

V. Family environment and alternative care

A. Family environment and parental guidance that takes into account the evolving capacities of the child (art. 5)

Recommendations Nos. 39 and 40

187. From 2006 to 2009, 17 family centres were established for 16 counties and the City of Zagreb. Family centres are a new institutional form of service intended for families that, first of all, has an advisory and preventive purpose, and their work is based on the principle of voluntary basis by users. Family centres perform professional activities related to: marriage and mutual relations of parents and children, upbringing of children, adoption and prevention of all forms of addiction among children and youth, disability problems, inclusion in everyday life after a longer stay in a correctional institution, encouraging responsible parenting and care for family members, improving the quality of life of children and family, organising child's learning, development of an improvement in extra-institutional forms of support to family, children, youth and other socially vulnerable groups of population.

188. Professional assistance is provided to: families in accepting and overcoming challenges of a life situation or risky circumstances caused by family situation, parents in finding best solutions in upbringing children or best solutions for relations parent – child, in

situations of disturbed partner relations, in the prevention of family violence, in the prevention or mitigation of consequences of violence among and against children, parents and other family members or individuals in the field of family justice protection, family benefits and other rights in the social security field, married couples that want a child, young married couples, pregnant women, parturient women and parents of newborn children, children from single-parent families, etc.

189. Advisory services are provided through advisory work, individual or family counselling, providing information, and familiarising with rights through telephone counselling. Special emphasis is also put on providing support to families in balancing family and professional life. As indicators show, family centres largely contribute to the development of harmonious relations among family members and positive family climate. From 2007 to 2010, HRK 54,994,249.10 were allocated to their operations, and some projects are partially also funded by local and regional self-administration units. In the following period, when material presumptions are fulfilled, family centres will continue to be opened in counties where they have not been established and by establishing branch offices.

190. Counselling work regarding problems of marriage and family, children upbringing, adoption, prevention of addiction to alcohol, drugs or other addictions, is also performed by social welfare centres. They also use the measure of warning to errors and omissions in the care and upbringing of a child and supervision measure over parental care execution, which is pronounced when errors and omissions are various and frequent or when parents need special assistance in upbringing the child. By the Decision on pronouncing the supervision measure, a person is appointed who will perform supervision and a plan and programme of the supervision are made, the content of which depends on a particular family situation. The aim of these measures is to assist parents in improving their parenting skills and thereby to prevent possible separation of the child from family. The number of warnings to parents to errors and omissions in the care and upbringing of the child amounted to: 2004 – 4,341; 2005 – 4,463; 2006 – 5,434; 2007 – 4,776; 2008 – 5,215; and 2009 – 4,851. The number of supervisions over parental care execution amounted to: 2004 – 1,454; 2005 – 1,418; 2006 – 2,049; 2007 – 1,678; 2008 – 1,500; and 2009 – 1,518.

191. Professionals from social welfare centres, as a part of their regular activities, engage in various forms of counselling work with parents. Project "School for Parents" in cooperation with UNICEF is also implemented. In addition to programme for group work with parents for the purpose of decreasing the risk of inappropriate educational attitudes and procedures and providing support to parents at risk, the programme for group work with children was also made (implemented in 27 social welfare centres). The programme for group work with children is also implemented within "creative socialisation groups" that work with social welfare centres and primary schools, and are intended for children from families at risk. Currently, approximately a hundred creative socialisation groups are active, including approximately 1,300 children. Approximately 30 professionals from social welfare centres and children's homes were trained for this programme and approximately 200 professionals from social welfare centres and primary schools for group work with children in the form of creative socialisation groups.

B. Parents' common responsibilities, assistance to parents and provision of child-care services (art. 18)

Recommendations Nos. 39 and 40

192. The *Act on Maternity and Parental Benefits* provide an opportunity to include a larger number of fathers in this system of family supports, respecting the need for common care of both parents in upbringing and development of the child.

193. Into pre-school education, which is not mandatory, all children aged 6 months to the point when they start attending primary school may be included, which represents one of the best models of social welfare, upbringing and education for pre-school children. Pre-school children are enabled to be raised and educated in accordance with their needs, capabilities and interests and in accordance with their parents' wishes, depending on the capacities of founders (towns, municipalities and other physical and legal persons). The implementation of the *National Pedagogical Standards for Pre-school Education* is monitored and the implementation analysis of the 0 feasibility coefficient, related to the size of a kindergarten (maximum 600 children or 30 educational groups), it was determined that, of 673 kindergartens, only 36 are not in line with the standard. The planning of kindergarten network was started, in areas of local and regional units, in order to reduce the number of children in educational groups, ensure sufficient number of teachers and staff associates for work with children, improve spatial and material conditions, equipment, nutrition, hygiene and health protection. In 2009, 14 new kindergartens and 82 new branch facilities in the existing ones were opened, 26 new educational groups were equipped (25 children each). Thereby, the number of children included in kindergartens grew by 1,350, and the inclusion scope of pre-school children in that year was 58.00%. It should also be emphasised that 49 associations established short programmes for pre-school children in areas where this was necessary.

194. The number of educational institutions may be found in part *Education, including vocational training and guidance* in Tables 10, 10.a-10.c in Appendix 2.

195. Project "*The right of the child to live in the family: professional assistance to families with children and supervision over parental care execution as a support process for successful parenting*", was implemented in 2006 and 2007 within action "*Each Child Needs a Family*", in cooperation with UNICEF. The project's goal was to educate and train professionals from social welfare centres from Eastern Slavonia for a quality implementation of the measure of supervision over parental care execution in order to prevent separation of the child from family through this measure, and also to educate parents by quality professional assistance about parental skills and greater responsibility in child care. In practice, the significance of this measure for the prevention of the child's separation from the family was recognised. For the first time, in the production of the supervision plan, parents are included, as well as, in an appropriate way, children from families over which the supervision is performed. The project result is the textbook that was presented and distributed to all social welfare institutions. The project launched additional activities, one of which is group work with children aged 3 to 7 years, placed in children's homes, and with their guardians, titled "*I'm getting to know me, get to know me*". This is a programme of six interactive workshops the goal of which is development of better relations between the child and parents or important adults through play that is based on the affection theory. The other activity is directed to parents with children aged below one year, for encouraging early affection between the child and primary guardian, through psychosocial support and development gymnastics and massage (*Baby Fitness*), and education of health workers, organised during 2007 and 2008 in cooperation with the Croatian society for preventive and social paediatrics by UNICEF. In 2009, activities continued individually in many local communities, organised by local professional teams

which also included some family centres. In 2010, seminars were held in cooperation with UNICEF titled "*The importance of early child development and stimulating parenting*" and "*Baby fitness workshops and education of parents on early child development*" that gathered employees and associates from family centres, with the aim to additionally empower professionals for implementing these activities.

C. Separation from parents (art. 9)

196. The *Family Act* (2003) transferred the decision on the separation of the child from parents from social welfare centres' responsibility into courts' responsibility, and the application of the provision, for the reasons of courts' preparations, started at the beginning of 2006. Social welfare centres now make the proposition for launching such procedures before court, and they also propose the person or institution to which the child should be entrusted (children's home, foster family or other physical person). Courts pronounce the measure with duration of one year, and before the end of this period, they are obliged to investigate all circumstances of the case and, for the child's well-being, pronounce the same or other measure by a new decision.

197. Regular meetings and encounters with parents and relatives are also enabled to users of children's homes, in accordance with courts' decisions and interests of the child (appropriately arranged rooms that enable undisturbed meetings of parents and children).

198. The question of maternity during correctional measure in a correctional institution is regulated by the *Rulebook on Execution of Correctional Measures in Correctional Institutions* (2001) which prescribes that a pregnant juvenile or mother with child, who gave birth, is ensured full health protection in relation to the pregnancy, childbirth and maternity. A pregnant juvenile will be placed 6 weeks before the delivery into a department for parturient women, if doctor suggests even earlier, and after that into a department for mother and child where the juvenile may stay until she is serving the correctional measure, but not longer than when the child is 3 years old. If a pregnant juvenile serves the correctional measure in an Institution where there is no department for parturient women, she will be sent to a female penitentiary with such department, or, if suggested by doctor, to the nearest specialised healthcare institution. The childbirth of the juvenile will be held in a healthcare institution, and the child will stay with the mother at her request based on the social welfare centre decision until he/she is aged 3 years, and after that, the social welfare centre will take required measures for placing the child. A responsible person from the social welfare centre is obliged to visit the Institution every 3 months, and if required more often, for the purpose of supervision of the mother-child relation. During the child's stay with the mother, the Institution will ensure the child's stay in a pre-school outside the Institution. Currently, the new Rulebook on execution of correctional measures in correctional institutions is being drafted.

199. The *Act on the Execution of Prison Sentence* of 1999 (amended several times – last amendments in 2009) also prescribes that a pregnant juvenile, sentenced to juvenile prison, is ensured full health protection in relation to her pregnancy, childbirth and maternity in the identical way. Through correspondence, telephone calls, receipt of parcels and visits, juveniles are enabled to contact their families while serving correctional measures or juvenile prison sentence, and through using extra-institutional facilities, social and family contacts of juveniles are strengthened. For the purposes of juvenile children visiting their parents, who are serving prison sentences or are in custody, in cooperation with and at recommendation of the children's ombudsman, special child corners are arranged, so-called child-friendly space, in order to mitigate adverse consequences for children when visiting their parents deprived of freedom. Average stay of children with mothers in penitentiaries is

1 year and 6 months (number of children living in prison with their mothers – Table 19 in Appendix 2).

200. The pilot project *Responsible Parenting* was launched (in 2010 it was implemented by 4 family centres and 4 prisons/penitentiaries), directed to parents of juveniles who are serving prison sentences. The purpose is to maintain the parental role of persons serving prison sentences and mitigate negative consequences of separation of a parent from the family. Activities are conducted in an appropriate prison space with the aim to protect the privacy and create group attachment. Evaluation of the project's first phase (42 users – parents of juvenile) showed that the project fulfilled the goals set. Indirectly, it included 91 juveniles.

201. The Office of Children's Ombudsman issued the Collection "*Rights of children whose parents are in prison*" (2009) containing papers from the expert discussion held on this topic.

D. Family reunification (art. 10)

202. The new *Act on Foreigners* of 2007 (amended in 2009) prescribes the conditions for entry, movement, residence and work of foreigners in the Republic of Croatia. In relation to regulating the residence of juvenile foreigners in Croatia, it is prescribed that a temporary residence for the purpose of family reunification may be approved to a foreigner who is a member of immediate family of a Croatian citizen, foreigner with approved temporary or permanent residence, or has the status of asylum seeker. Immediate family members are considered to be: marital partners, persons living in extramarital union, juvenile children that have not established own family, and were born in a marriage or extramarital union or were adopted, and parents or adopters of juvenile children, but exceptionally also another relative if there are special personal or serious humanitarian reasons for unification of the family in the Republic of Croatia. Juvenile foreigners, enrolled in the Republic of Croatia into a secondary school education institution, or who participate in a recognised student exchange programme, may be approved a temporary residence for the purpose of secondary school education. A foreigner may be approved temporary residence for the purpose of family reunification, and secondary school education, if he/she has funds for maintenance, ensured accommodation, health insurance, and if he/she does not present a threat for public order, national security and public health. For issuing approval for temporary residence for a juvenile child, consent from another parent is required – signature on the request, with a note by an official confirming the approval given or in a form of a public notary statement if one of the parents is absent (Tables 12 and 12.a in Appendix 2).

E. Recovery of maintenance for the child (art. 27, para. 4)

Recommendations Nos. 43 and 44

203. In the context of the Committee Recommendation No. 44, we will mention that a special act, establishing the fund for maintenance has not been adopted, but legal solutions have the same effect, i.e. they establish a mechanism of state intervention that ensures payment of the standard cash amount by the state in case when a parent does not fulfil his/her maintenance obligation. The most significant changes were introduced by the *Amendments to the Family Act* (2007) that additionally improve material justice and process justice provisions on maintenance. For the purpose of overcoming inequalities in the practice of determining amounts for maintenance, for the first time, a minimum amount for monthly maintenance was determined, that has to be paid by the parent who does not live with the child, and which, depending on the child's age, ranges from 17% to 22% of the

average salary. Obligation of social welfare centres to unconditionally pay temporary maintenance by ensuring appropriate funds from the State budget was prescribed. In this way, previous obligation of social welfare centres to pay temporary maintenance in accordance with provisions of the Family Act (2003) was strengthened.

204. Based on legal novelties from 2007, social welfare centres are obliged to pay temporary maintenance for each child, regardless of parents' income, in all cases when the child does not receive maintenance from the parent obliged to pay maintenance for over 6 months. The child realises temporary maintenance at the social welfare centre according to its residence in the amount of 50% of the minimum cash amount that the parent who does not live with the child is obliged to pay, and may be paid for not more than 3 years. In 2009, for a child under 6 years of age this amount was HRK 459.85, for a child aged 7 to 12 years HRK 541.00 and for a child aged 13 to 18 years, HRK 595.10. The amount of funds paid for temporary maintenance of children from 2004 to September 2010 is set out in Table 10.h in Appendix 2. The number of children who received temporary maintenance in 2009 is 2,992, and from 1st January to 31st May 2010 – 3,173. It is not possible to present the number of children included in the temporary maintenance in the period from 2004 to 2007 since the data were gathered by the number of decisions, and each decision included one or more children. The number of decisions on temporary maintenance of children by years is as follows: 2004 – 417, 2005 – 536, 2006 – 667 and 2007 – 865. Amendments to the Family Act (2007) enable the child, who has not received maintenance from the parent he/she does not live with in a family union, without grounded reasons, to recover compensation for not received maintenance from the date when obligation has arisen, and not from the date of filing a claim as earlier. We will also point out that a number of mechanisms is foreseen aimed at a more efficient collection of child maintenance – the social welfare centre's obligation is determined to launch and lead in the child's name the court proceedings for maintenance, i.e. for an increase in maintenance under certain conditions and to require execution of the decision on child maintenance; the court is obliged to make decisions on temporary measure of maintenance already in the first hearing; the court's obligation is introduced to, in certain alimony matters launches execution by official duty; and it is possible to execute the entire income, except in a part amounting to one fourth of the average salary. Also, the procedure of social welfare centres is additionally elaborated in order to contribute by extrajudicial procedure methods to encouraging the parent to pay maintenance for the child he/she does not live with, and court settlement on maintenance may be concluded during the court proceedings and has the force of an execution document.

205. The *Amendments to the Penal Code* (2006) aggravate sanctions for criminal act "Violation of maintenance obligation" – in cases when this violation is related to a child or juvenile, instead of a fine or imprisonment up to 1 year, the sentence is 3 months to 3 years imprisonment. Aimed at facilitating the exercise of the child's right to maintenance, the *Act on Free Legal Aid* prescribes that free legal aid will be approved to children in proceedings conducted before competent bodies for the purpose of exercising the child's right to maintenance, regardless of the family's income. Legal aid beneficiaries are also children foreigners found in the Republic of Croatia unaccompanied by a parent or legal representative. It is also possible to realise pro bono representation in proceedings for maintenance of a juvenile child with the Croatian Bar Association.

F. Children deprived of family environment/parental care (art. 20)

Recommendations Nos. 41 and 42

206. In accordance with *Amendments to the Act on Social Welfare* (2007), the care outside own family includes: all forms of placement and stay in social welfare homes or other legal persons providing social welfare, family home, foster family and living communities; assistance for personal needs to permanent placement users; assistance in including a child and young adult with physical or mental disability into programmes of regular pre-school and school institutions (integration); training for independent work or self-care and financial support to students – users of care outside own family whose permanent placement is finished.

207. Based on the data on the number of users of homes, foster families and family homes⁴, for 2009, it is estimated that in the Republic of Croatia, the current ratio of institutional care and extra-institutional forms of placement is 39.6% to 60.4% for extra-institutional forms of placement (primarily in foster families). In the last 3 years, positive trends of a decrease in the number of children and youth without appropriate parental care in institutional forms of care are visible, as well as the total decrease in the number of children in the social welfare system. In the period from 2007 to 2009, trends of a decrease in capacities, number of users, and number of requests for placing children in state and non-state homes are visible. The number of children aged below 3 years placed in homes decreased by 19%.

208. At the end of 2009, UNDP conducted research "*Experience and attitudes of providers, users and other stakeholders in the social welfare system about the reform of the social system and satisfaction of social system users*". According to the findings of research for homes for children without appropriate parental care, in the period from 2007 to 2009, the entry rate was 24%, while the exit rate was 30%, whereby the entry and exit ratio is 1:1.2. Almost two thirds of all users (64%) who exit homes, returned to the primary family or are placed in foster families or family homes. It is also stated that with 8% of all children there are also other difficulties (behavioural disorders, developmental difficulties, mental disorders or family violence). Annual data on the number of children placed in homes for children without appropriate parental care show that the number of children placed decreases, which is in accordance with the effort to make children's homes small institutions in which individualised treatment with competent personnel will be conducted to the maximum extent possible (Tables 11, 11.a-11.d in Appendix 2).

209. Children's homes are obliged to organise their work in accordance with regulations that foresee spatial, human resource and other conditions for a quality care for children. For each child in children's homes, an individual plan of action is made, in which the child itself takes part. The majority of homes established living communities intended for older juveniles and young adults, children preparing for an independent life and do not have a possibility to return to the biological family. In this way, users are additionally enabled to acquire skills and knowledge required for being able to live independently with daily monitoring and assistance of professionals, as well as continuation of education in academic institutions. The number and capacity of living communities were increased

⁴ Source: Annual statistical report on applied social welfare rights, legal protection of children, youth, marriage, family and persons unfit for work, and protection of physically or mentally disabled persons in the Republic of Croatia in 2009, Annual statistical report on homes and social welfare users in the Republic of Croatia in 2009, and data on the number of users in care of other legal persons based on Article 105 of the Law on Social Welfare.

(Table 11.e in Appendix 2). Within homes, during 2007, 35 living communities were active and during 2008 – 41 of them.

210. The *Act on Social Welfare* provides the possibility of providing care outside own family in religious communities, associations and other legal persons. With these legal entities agreements on mutual relations are concluded, for funding the users' placement (statistical data are in tables under "other founders"). The number of institutions for children according to the type of care: children without appropriate parental care, founder the Republic of Croatia – 14, children without appropriate parental care, other founders – 8, homes for children with behavioural disorders – 11 and homes for children with developmental difficulties, total 23, of which in 12 social welfare activities and educational activities are conducted. Ratio of children and professionals: 2.6:1 in state children's homes, 2.4:1 in non-state children's homes and 3.3:1 in homes for children with behavioural disorders. Statistical data related to homes for children and youth with behavioural disorders and social welfare homes for physically and mentally disabled children, and the length of stay in home and place where the user was sent after discharge from home are set out in Tables 11.j-11.q in Appendix 2.

211. The *Act on Foster Care* ensures a better regulation of foster care as the way of providing care services outside own family. In the area of 13 counties, in 18 social welfare centres, 22 specialised foster care teams were established, and until the end of 2008, on these jobs in centres 35 new professionals were employed. For the purpose of the best care for users, the number of children that may be placed in one foster family was reduced (one foster family up to 3 children). Personal compensation for the foster parent was prescribed for his/her efforts in everyday care for users which, although it is not considered a salary, significantly impacts the improvement in the status of the foster parent. The foster parent, together with other professionals (and parents when children are in question), participates in making the individual care plan for each child placed in its foster family. For each child in foster care, an individual activity plan is made, in which the child him/herself takes part. The Rulebook prescribes the content and duration of training and education of the foster family (more details in Appendix 2 under point 4). In the Republic of Croatia there are 1,354 foster families for children in which in 2008, 1,958 children were placed, and in 2009, a total of 1,955 children (Tables 11.f-11.i in Appendix 2).

212. New forms of placement and treatment of children are also developed through establishing family homes in which a maximum of 10 children may be placed. There are 2 family homes for children without appropriate parental care, of the total capacity of 20 places. In the last three years, the number of users of extra-institutional forms (foster care) of placement for children and youth without appropriate parental care is reduced by approximately 5%, which is in accordance with the trend of a decrease in the number of children and youth without appropriate parental care in the social welfare system. This estimation is based on the data from Table 11.i in Appendix 2. We point out good cooperation of competent institutions with UNICEF in relation with the promotion of foster care.

213. In 2009, the "*Analysis of foster care of children in the Republic of Croatia*" was completed, which offers guidelines for improving foster care in the best interests of the child. Within action "*Every Child Needs a Family*", in 2006 and 2007, project "*Improving foster care of children in Croatia*" was implemented. Within the project, 7 support teams for foster parents and children in foster care were established and trained, in 8 counties. The teams consisted of representatives from social welfare centres and homes for children without appropriate parental care from individual counties. The project's main activities related to organising support groups for foster parents and children in foster care, telephone counselling, organising local campaigns for promotion of foster care, creating database on foster families and children in foster care in these counties and finding new foster families.

Within the same programme during 2008, a number of regional professional discussions were organised, on the topic of foster care of children.

214. In cooperation with associations of foster parents and social welfare centres during 2008, foster families were equipped with basic equipment required for the placement of the youngest children. During 2009, UNICEF supported specialised foster care for children aged below 3 years, through raising funds from citizens and business sector that were used for training professionals in various meetings as well as equipping foster families with basic children equipment. Cooperation with 21 social welfare centres was realised and 61 foster families with small children were equipped. Project "*Prevention of separation of children from families and early intervention with families at risk*" was also realised (more details in Appendix 2 under point 4). The *Forum for quality foster care* in partnership with organisations IFCO (International Foster Care Organisation) and ICDI (International Child Development Initiatives), within the MATRA programme, implements Project "*For quality foster care in Croatia*", within which two conferences on foster care were organised and a study travel in 2008 to the Netherlands for professionals from social welfare centres and children's homes.

215. The Master Plan of Deinstitutionalisation and Transformation of Social Welfare Institutions 2011-2018 was also made, whose main goal is to reduce entries into institutions and increase exits from institutions into new forms of care. Until 2016, the following activities are planned:

- Increase the scope, quality and diversity of extra-institutional care services, that would, in addition to foster care, also include living communities of children with support, especially in regions where foster care does not succeed in developing (up to 5 children per living community);
- Conduct transformation of homes that care for children, with redirecting the resources of current providers of services of permanent and weekly placement to providing services of extra-institutional care and other extra-institutional services, as well as education, professional support and supervision of foster parents;
- Decrease the number of providers of services of permanent and weekly placement;
- Ensure regional uniformity of the expected ratio of institutional and extra-institutional forms of care;
- Limit capacities of homes and other legal persons, with the aim that, until the end of implementation of transformation and deinstitutionalisation, the homes that will further provide services of permanent and weekly placement, have capacities of not more than 30 users; adopt new network for a three-year period, starting from 2011, that should include lower placement capacity in institutions and higher placement capacity outside institutions, and extra-institutional services;
- Immediately start deinstitutionalisation of children and youth into the existing living communities, and fill them not later than the end of 2011;
- Until the end of 2010, all homes will prepare individual plans for deinstitutionalisation and transformation; for children with developmental difficulties placed in homes, prepare specific individual plans with the priority option of ensuring extra-institutional care or appropriate conditions in institutional care, if return to the primary family is not possible (2011); and

- Until the end of 2010, make analysis of foster care capacities, including family homes, with the purpose of improving extra-institutional care by regions, training and professional monitoring of foster parents and family homes for children and youth without appropriate parental care.

G. Periodic review of placement (art. 25)

216. As stated earlier, a child may be placed in a children's home, foster family or with other physical or legal person. Courts pronounce the measure of placing the child outside own family in the duration of one year, and before the end of this period, they are obliged to investigate all circumstances of the case and, for the child's well-being, pronounce the same or other measure for the protection of the child by a new decision. The social welfare centre is obliged to monitor circumstances in which the user placed outside own family lives and is obliged to visit him/her for this purpose at least once every six months. The *Amendments to the Act on Social Welfare* (2007) additionally increased responsibilities of the centre who is obliged to take care that conditions are realised for the return of the juvenile into own family as soon as possible or for his/her adoption if this is in the best interest of the child.

217. By establishing a separate department for inspection supervision with the Ministry of Health and Social Welfare (2005), presumptions were fulfilled for a continuous supervision over provision of care services outside own family; these services, in addition to social welfare homes, are provided by foster families, family homes, religious communities, associations and other legal persons. Therefore, the inspection supervision is performed also over their work.

218. During the inspection supervision, in addition to the supervision of legality of operations, supervision is also performed over professional work, in accordance with the *Rulebook on Manner and Content of Professional Supervision in Social Welfare Activities* (2008). During 2006, inspection supervision was intensified in all institutions caring for children and then 17 inspections were performed, in 2007 – 21, and in 2008 – 62. Determined irregularities in work mainly relate to required amendments to the general by-laws, irregularities in keeping prescribed records and documentation (individual programmes of work with users, annual and monthly plans and programmes of work of professionals, work journals), and in establishing and responsibilities of homes' professional bodies. In the last years, the number of users has decreased in accordance with the optimum capacities of institutions, and educational groups are formed for 8 to 10 users. Professional Councils and Professional Teams were established in homes, and the number and structure of employed professionals is mainly in line with standards. The condition in homes is satisfying and no significant irregularities in professional work and violations of children's rights were detected. Relations between users, and between employees and users are also satisfying, and cases of peer violence and use of inappropriate upbringing methods are very rare. In case of suspicion regarding possibly committed criminal acts and other illegal acts, inspectors informed competent bodies.

H. National and inter-country adoption (art. 21)

Recommendations Nos. 47 and 48

219. The *Family Act* (2003) abolishes two types of adoption – family and parental, and introduces a single form of interminable adoption. With the aim to speed up the procedure preceding the adoption, the social welfare centres' obligation to make an opinion on suitability for adoption within two months from receipt of the request was prescribed. At

the same time, the provision on the adopter's age was amended as a presumption for the adoption due to specially grounded reasons, in a way that the age difference between the adopter and adoptee was changed from forty to forty-five years. Based on the amendments to the Family Act of 2007, the adopter's age was modified again in a way that the upper age limit of the adopter was abolished as a presumption for the adoption so that: "An adopter may be a person aged at least 21 years, and older than the adoptee at least 18 years. If there are specially grounded reasons, an adopter may also be a person younger than 21 years." Table 11.y in Appendix 2 – number of adoptions by years.

220. The *Rulebook on methods for determining suitability for adoption, manner of making the opinion on suitability for adoption and keeping central register of potential adopters and adoptions* (2008) became effective. Methods are prescribed for determining suitability for adoption that must be applied by professionals from social welfare centres when determining suitability of potential adopters. The central register is not yet applied in practice, but the informatisation project is in progress.

221. The *Master Plan for Deinstitutionalisation and Transformation of Social Welfare Institutions* foresees until 2016: "Introduce cessation of further receipt of children younger than 3 years in homes (2010), and until the end of 2012, in cooperation with social welfare centres, deinstitutionalise all children of this age that are currently placed in homes and in foster families and, where possible, make adoptions. The only exceptions may be urgent situations of temporary placement in the period not longer than 6 months with the aim of urgent, but thorough, identification of appropriate care of family type."

222. *The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption* is prepared for signing in the following period. It was assessed that the Republic of Croatia should become a party to this Convention, especially as it enables a faster way and uniformity of procedure in cases of intercountry adoption, and at the same time it obliges to respect certain principles that state parties agreeably accept for the protection of the best interests of the child.

I. Illicit transfer and non-return of children (art. 11)

Recommendations Nos. 45 and 46

223. Further progress in legislative context was made by *Amendments to the Penal Code* (2004) in relation to the criminal act of abduction, which made sanctions more severe for a perpetrator of a qualified form of the criminal act of abduction and when the act is committed against a child or juvenile in a way that the lower limit of prison sentence was increased from 1 year to 3 years imprisonment, while the upper limit remained unchanged (10 years imprisonment) (see Tables 9, 9.a-9.l in Appendix 2).

224. Since 2009, the Republic of Croatia is a party to the *European Convention on Contact Concerning Children*, and, in addition, activities were undertaken directed to a better application of *The Hague Convention on the Civil Aspects of International Child Abduction*. Since 2009, the Republic of Croatia is also a party to *The Hague Convention on Jurisdiction, Applicable Act, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children*. The number of proceedings under *The Hague Convention on the Civil Aspects of International Child Abduction* moved by years as follows: in 2004 – 13, in 2005 – 19, in 2006 – 21, in 2007 – 17, in 2008 – 26, and in 2009 – 31. In order to additionally improve the work related to these issues, in the Ministry of Health and Social Welfare in 2009 a separate Department for international cooperation in the field of the protection of children was established, which acts under the Hague Convention on the Civil Aspects of International Child Abduction, cooperates with the International Social Service in the field of the protection of

children and acts under other ratified conventions related to procedures in the protection of the rights of the child.

J. Abuse and neglect, including physical and psychological recovery and social integration (arts. 19 and 39)

Recommendations Nos. 49 and 50 (a) to (e)

225. Legal provisions on violence against children, in accordance with Article 1 of the Convention, relate to all persons below the age of 18 years. The Constitution prescribes that no one may be subjected to any form of abuse or without consent to medical or scientific experiments and coercive and compulsory work is forbidden.

226. The *Family Act* further prescribes that parents and other family members may not subject the child to degrading treatment, mental or physical violence, and abuse, and if a parent violates his/her parental duty, the court may, following the social welfare centre's proposition, deprive the parent of his/her right to parental care. Parents are also obliged to protect the child from degrading treatment and corporal punishment by other persons. The *Penal Code* prescribes criminal act "Neglect and abuse of a child or juvenile". The object of the protection of this criminal act is the physical, mental and moral development of children. Neglect of the child is committed by a parent, adopter, guardian or other person who severely neglects his/her duties of care or upbringing of a child or juvenile. This criminal act prescribes punishing a parent, adopter, guardian or other person who abuses a child or juvenile, coerces him/her to work not suitable for his/her age, or to excessive work, or to beggary, or for own benefit lures him/her to behaviour that is harmful for his/her development or who exposes him/her to death by dangerous conduct. With abuse, which may be psychological or physical, this is an abuse of parental rights, by harsh acts towards a child or juvenile that neither by its goal (education) nor objectively presents educational discipline measures that are socially acceptable.

227. Qualified forms of this criminal act are cases when there is a certain consequence arising from any of these acts: severe physical injury or serious damage to health or if a child or juvenile turned to beggary, prostitution, other forms of asocial behaviour, delinquency or he/she is exposed to death by dangerous conduct or in other way. With the aim to additionally protect children, the *Amendments to the Penal Code* (2006) increased sanctions for the basic and qualified form of this criminal act (for the basic act, the lower limit of sentence was increased from three to six months, while for the qualified form, the lower limit of sentence was increased from three months to one year imprisonment). A significant step forward in the field of punishments for perpetrators of family violence was made in 2000 by introducing new criminal act "Violent behaviour in family", and amendments to the Penal Code (2006) increased the prison sentence for this act from 3 months to 3 years to the sentence from 6 months to 5 years. Also, in 2006, the general provision that gives the definition of family members was changed in a way that the presumption of living in a common household was deleted, whereby family violence was extended also to relatives who are not a member of the violence victim's household. With the aim to additionally protect victims of family violence, especially children and juveniles, it is prescribed that criminal proceedings for the act of physical injury, if committed against a family member – child or juvenile, is launched by official duty, and no longer by a private claim.

228. In the production of the new *Act on the Protection against Family Violence* (2009), coming into effect of the new Act on Misdemeanours (2007) was taken into account, especially in relation to provisions that relate to sanctions – detention, prison sentence, precaution measures. The purpose of the Act includes prevention, sanctioning and

elimination of all forms of family violence, application of appropriate measures toward the perpetrator and mitigating consequences of already committed violence by providing protection and assistance to the victim. The Act determines that competent services should be networked (for example, social welfare services, healthcare institutions and other competent bodies that are obliged to take care of all needs of the victim and to enable access to appropriate services). Competent state bodies are obliged to gather statistical data on family violence, including data from the police, healthcare institutions, social welfare institutions, educational institutions, courts and state attorney's office.

229. The *Act on the Protection against Family Violence* determines that a healthcare worker, social welfare worker, psychologist, social worker, social pedagogue and educational institution worker is obliged to report to the police or competent state attorney's office that family violence was committed, which he/she learnt during the service. Acting contrary to this provision is an offence. The *Penal Code* determines that everyone is obliged to report a criminal act he/she found out about, if committed against a child or juvenile, and this especially relates to healthcare workers, public notaries, psychologists and workers in guardianship system. The *Act on Criminal Proceedings* determines that, on behalf of juveniles, a private claim related to violence is launched by their legal representative, and a juvenile aged 16 years may propose criminal prosecution or launch a private claim on his/her own.

230. In the criminal proceedings, according to the *new Act on Criminal Proceedings* from 2008, children are specially protected by provisions that regulate rights of the victim and provisions on testifying. This way, rights of the child victim of a criminal act and appropriate duties of procedure bodies are specially regulated. The victim of a criminal act has: the right to an efficient psychological and other professional assistance and support from the body, organisation or institution for assistance to criminal act victims. In accordance with special regulations, the victim of a criminal act for which prison sentence of five or more years is prescribed, has the right to a counsellor paid from the budget funds before giving a statement in the criminal proceedings and when submitting a property justice claim if he/she suffers severe psychological and physical harm or severe consequences of the criminal act and to compensation of material and non-material damage from the state fund.

231. The court, state attorney's office, investigator or police are obliged to inform the victim about these rights and on the rights he/she has as an injured party when taking the first action in which he/she participates. A child or juvenile victim of a criminal act has, in addition to previously stated, also the right to: representative financed from the budget, secrecy of personal data and exclusion of public. The court, state attorney, investigator and police must treat the child or young juvenile victim of a criminal act especially considerately, taking into account the age, personality and other circumstances in order to avoid harmful consequences for the upbringing and development of the child or young juvenile.

232. The *Act on Criminal Proceedings* of 2008 determines a special way of taking statements from a child. It prescribes questioning a child as witness, questioning a juvenile as witness, and questioning as a witness the victim of criminal act against sexual freedom and sexual morality, or if the act was committed in the family. In no phase of the procedure may the child meet the defendant. His/her questioning is generally conducted by the investigating judge, the child witness is questioned without presence of the judge and parties in a room where the child is located over an audio – video device. The questioning is conducted with the help of a psychologist, pedagogue or other expert, and a parent or guardian is present at the questioning, except when this is contrary to the interests of the procedure or the child. Parties may ask the child witness questions following the investigating judge's approval over a professional. The questioning will be recorded by an

audio-video recorder, and the footage will be sealed and included in the report. The child may only exceptionally be questioned again, and in the same manner. Regarding the right to give statements in the criminal proceedings, a juvenile may not be questioned as a witness, if regarding his/her age and mental development he/she is not capable to understand the meaning of the right not to testify, but facts obtained from him/her by experts, relatives or other persons who were in contact with him/her, may be used as evidence. Furthermore, if not otherwise prescribed by special act (the Act on Juvenile Courts), questioning of a juvenile as witness is conducted by the investigating judge. When questioning juveniles, especially if injured by a criminal act, they will be treated considerately, so that the questioning does not harm the juvenile's psychological condition.

233. Amendments to the *Penal Code* (2008) introduced the provision that enables data from criminal records on the perpetrator of a criminal act for criminal acts against sexual freedom and sexual morality, committed against a child or juvenile, to be submitted, exceptionally and following their grounded request, to institutions to which children or juveniles are confined for education, upbringing, attendance or care. Thereby exceptionally the insight into criminal records is enabled (but excerpts from criminal records are not delivered) regarding a person who is validly convicted for the criminal act, but the circle of authorised persons who have access to criminal records is limited only to those who are registered for activities of upbringing, care, attendance and education of children and juveniles.

234. Data from criminal records on pronounced safety measure of prohibition to perform a profession, activities or duties on the perpetrator of a criminal act will exceptionally be delivered to bodies responsible for keeping the register of persons who perform certain activities. The *Act on Legal Consequences of a Conviction, Criminal Records and Rehabilitation* is being produced, which would prescribe accessibility of data from criminal records in a different way than as currently regulated by the Penal Code. It proposes that data from criminal records on a person convicted for criminal acts against sexual freedom and sexual morality and criminal acts against marriage, family and youth, committed against a child, juvenile or helpless person may be given to courts, public authorities, institutions and associations (following their request) in the procedure for the protection of rights and interests of children, juvenile or helpless person or when confiding certain works and duties to a person for whom these data are requested.

235. Relevant statistical data from this field can be found in Appendix 2 in Tables 13, 13.a-13. r, while the number of persons reported, charged and convicted for the criminal act of Neglect and abuse of a child or juvenile and the number of children/juveniles victims of this criminal act are set out in Tables 9, 9.a-9.1 in Appendix 2.

236. Until now, two National Strategies of the Protection against Family Violence were adopted, and in the new strategy proposal, for the period 2011-2016, special emphasis is placed on the field of family violence prevention, and interdepartmental cooperation as a presumption for successful action in the field of the protection against family violence with a special emphasis on the protection of children.

237. During 2008, standard methodology forms were produced for reporting on the implementation of the *Rules of Procedure in Case of Family Violence*. Adoption of the Protocol contributed to a faster and more efficient approach to combating family violence and to timely measures taking in case of committed family violence. Competent state bodies make significant efforts aimed at raising the level of the victims' protection and the practice of treatment of family violence victims is ensured, which includes gender sensitive treatment, adequate manner of treating children victims of family violence and perpetrators of violence.

238. Special attention is given to supporting civil society organisations that have a significant role in the development of network and forms of assistance in the protection of family violence victims. For the purpose of ensuring the operation of shelters for victims of family violence, in 2008, agreements were signed on co-funding operations of 5 counselling facilities and shelters for family violence victims in 4 counties. Following the agreements signed, shelters realise financial support from the state budget, county budgets and city budgets. For operational needs of five shelters for violence victims in 2009, funds were ensured in the amount of HRK 1,643,886.18. In 2010, cooperation was extended to 5 more civil society organisations, in 5 counties, which operate shelters and counselling facilities for family violence victims and for this purpose a total of HRK 2,529,827.67 was ensured.

239. The analysis of shelters for women and their children victims of family violence showed that until 2008, 16 shelters for violence victims were established in 12 counties. Of the total number of shelters, in 2008, 9 were led by civil society organisations which protect violence victims, and 6 had the status of institutions. According to gathered data on the shelters capacities, victims have at their disposal a total of 329 places. In 2009, there were a total of 17 shelters in 13 counties, while in 2010, there were 18 shelters in 14 counties. Placement in shelters may be ensured based on a personal request, through a responsible social welfare centre or the police. By introducing programme activities of improvement in the violence victims protection, already in 2004 the possibility of financial support to projects of civil society organisations which protect family violence victims was opened, and for the implementation of 100 projects by associations from 2004 to 2010, HRK 12,585,756.49 were spent. In this period, by programmes adopted, the counselling network for victims of family violence was established in 13 counties. The *Address book of offices, organisations and other institutions that provide assistance, support and protection to victims of family violence* was printed several times.

240. During 2009, competent state bodies made significant expert work aimed at prevention and protection of family violence victims, especially regarding the upgrade of the legal and institutional system. Significant progress was made in the field of education of professionals, state and public servants and great contribution was made to strengthening and coordinated action of competent state bodies and institutions and civil society organisations. Competent bodies' actions also contributed to recognition of family violence. A range of measures and activities are undertaken aimed at prevention and protection of children from abuse and neglect, and working bodies are organised for the production of documents in this field (Protocol in Case of Severe Neglect of Duty of Care or Upbringing of the Child by a Parent, Adopter, Guardian or Other Person; The National Plan against Sexual Abuse of Children, the National Strategy for the Protection of Children from Abuse and Neglect).

241. In cooperation with the Faculty of Law of the Zagreb University, in 2008, the proposal of the research on family violence was made. During 2009, within the first phase of the scientific and research Project "*Family violence*", a questionnaire was made, the purpose of which is to determine the prevalence rate, causes, forms and recidivism of family violence by methodology of scientific and comprehensive analysis, for the purpose of a better understanding of the family violence phenomenon and development of an efficient preventive policy and control measures. The implementation of the second phase of this project is in progress. In 2010, in cooperation with the Society for Psychological Assistance, the implementation of projects directed to testing the efficiency and costs of social reaction to family violence and monitoring and evaluation of services provided to family violence victims placed in shelters started. The implementation of the first phase of these projects is in progress, and their duration is estimated at three years.

242. In relation to the support system for witnesses and victims, we point out that with County Courts in Osijek, Zadar, Zagreb and Vukovar, departments for organising and providing support to witnesses and victims were established. The departments also provide support to witnesses and victims with Municipal Courts in Osijek, Vukovar and Zadar, and the Municipal Criminal Court and Misdemeanour Courts in Vukovar and Zadar in family violence cases. Although this was not the primary task, the departments provide support to children and juveniles coming to court (most often accompanied by parents) as witnesses or injured parties. With the Ministry of Justice, the Department for development and coordination of support system for victims and witnesses was established within the Directorate for probation and support to victims and witnesses, with the task to develop the support system for children victims and witnesses. With the Polyclinic for the protection of children of the City of Zagreb, education of the court staff was agreed, on the subject "*Support to traumatised/abused children and their parents*". The **Act on Cash Compensation to Criminal Act Victims** of 2008 regulates the right to cash compensation for victims of intentional criminal acts (effective from the date of Croatian accession to the EU). A direct victim who suffered severe physical injuries or serious damage to health as a consequence of criminal act of violence has the right to compensation. Where these criminal acts caused the death of the direct victim, an indirect victim has the right to receive compensation. An indirect victim is a marital partner, extramarital partner, child, parent, adoptee, adopter, stepmother, stepfather, stepchild of the direct victim and a person with whom the direct victim lived in a same-sex union. An indirect victim is also a grandfather, grandmother and grandchild, if one of them is the direct victim, in cases when there was a permanent life community between them, and grandparents replaced the parents.

243. We also emphasise the implementation of Project "*Children in the Union – rights and empowerment*", in 2009, in which the Ministry of Justice took part (in addition to the Ministry of Justice of Italy and Finland) and the Organisation for Victims from Portugal as a partner on the project. The project deals with children victims of criminal acts, and its goal is to raise awareness on special needs of children in the criminal justice system, and on measures taken by state parties in criminal legislation and particular propositions for improving the position of children victims of criminal acts in the Union and member states. The Republic of Croatia filled in the questionnaire related to delivering information on legislative regulation related to the position of children victims of criminal acts, position of children in investigation phase, appearance of children before court and legal representation. After processing filled in questionnaires of all states – partners to the project and discussions held at the CURE conference, the Crime Victim Compensation and Support Authority, a part of the Kingdom of Sweden Government, in 2010, delivered the draft of recommendations that should be the final result of the CURE project.

244. Respecting the need for physical and psychological recovery and social integration of children victims of violence, after consultations with experts, opening a separate institutional capacity for children sexually abused in the family was cancelled, taking into account the expert opinion that separating this category of children is not in their interest, and contributes to their stigmatisation and isolation. Instead, it is estimated that for children, who need to be separated from their families due to sexual abuse, a better placement is in foster families or in some home for children without appropriate parental care, with ensured treatment in an appropriate institution or non-governmental organisation. Conditions for care for children victims of sexual violence in family are ensured in a way that these children are placed in foster families or homes for children without appropriate parental care, if possible in smaller living communities, with mandatory access to psychosocial treatment in an appropriate institution or non-governmental organisation.

VI. Disability, basic health and social welfare

A. Children with disabilities (art. 23)

245. The Constitution prescribes that the state gives special care to the protection of persons with disabilities and their inclusion in the social life, and legislative framework related to exercise of rights of children with developmental difficulties and their protection within the healthcare, social welfare and educational systems is clearly set. We emphasise the adoption of the *National Strategy for Equal Opportunities for Persons with Disabilities 2007-2015* which largely relates also to children with developmental difficulties, youth with disabilities and improved support system for their families and themselves.

246. In the Croatian register of persons with disabilities (as at 24th September 2010) there are data on 530,081 persons with disabilities of which 33,331 are children (6.3%). In the total number of children with disabilities and major developmental difficulties, a larger number of boys is visible (61%) in relation to girls (39%). The largest number of children with disabilities and major developmental difficulties is in the age group 10-14 years (47%). Children with disabilities and major developmental difficulties are represented with approximately 0.8% in relation to the total number of inhabitants and with approximately 3.5% of the total number of children (Tables 14, 14.a-14.e in Appendix 2).

247. Health protection of children with developmental difficulties and young people with disabilities is ensured through regulations from the field of health protection which define rights (to orthopaedic and other aids, hospital treatment, physical and medical rehabilitation, etc.). Additional efforts are made to improve this system and its better implementation.

248. Care for ensuring conditions for preventing social situations that lead to long-term social exclusion is continually taken, and cash support is further ensured (personal disability benefit and allowance for assistance and care) that helps beneficiaries and families to cover increased life expenses. In 2007, the social welfare system covered 16,869 children with disabilities and major developmental difficulties, of which 7,056 were female (42%) and 9,813 male (58%). Capability for training for independent life was present with 4,272 children with disabilities, while full legal capacity was present with 3,493 children with disabilities (approximately 21% of children with rights from social welfare). Children with disabilities mainly lived in their families, 541 resided in institutions, and 131 in foster families. Need for full external care and assistance and the Barthel index below 60 have 5,149 (approximately 17%) of children with disabilities.

249. The right to personal disability benefit is exercised by 2,097 children with disabilities and major developmental difficulties. In 2008, the social welfare system covered 15,586 children with disabilities and major developmental difficulties, of which 6,504 were female (42%) and 9,082 male (58%). In 2009, 15,927 children were covered, of which 7,247 or 46% female and 8,680 or 54% male. In 2008, children with disabilities mainly lived in their families, 467 resided in institutions, and 112 in foster families. In 2009, 1,012 children were in permanent or weekly placement in homes, 321 of them in foster families and 28 in family homes. In 2008, the need for full external care and assistance and the Barthel index below 60 had 5,006 (approximately 32%) of children with disabilities, the right to personal disability benefit was exercised by 2,425 children with disabilities and major developmental difficulties. In 2009, the allowance for care and assistance was received by 1,947 or 12% of children, and allowance for assistance and care in a reduced scope by 1,558 or 10% of children. There were 23 state social welfare institutions for physically or mentally disabled children, and in 12 of them, in addition to

social welfare activities, education activities are also conducted (1 for children with physical disabilities, 1 for children with visual impairments, 2 for children with hearing impairments and 8 for children with mental disabilities).

250. Children with physical or mental disabilities are included in various programmes within 8 social welfare homes not founded by the state and 7 legal persons that perform social welfare activities without founding a home. These are services provided by religious communities, regional self-administration units, associations or other physical persons. In social welfare homes not founded by the state, a total of 388 children are placed, of which 168 are covered by programmes within daily care, and for 36 users services of professional assistance within family (patronage) are provided. In 2009, state and non-state social welfare homes and other legal persons providing social welfare covered a total of 2,324 children, of which 1,012 children were in permanent or weekly placement, while 1,312 children were covered by extra-institutional services (professional assistance in families, assistance in including the child into programmes of regular pre-school and school institutions, daily care). Of this number, 715 are placed for educational purposes, and 297 are children with severe disabilities who generally do not have appropriate parental care. These institutions provide various services, from housing, daily care, nutrition, care and attention for health, upbringing and education, psychosocial rehabilitation (social and psychological support, upbringing, logotherapy, physiotherapy, music therapy, art therapy, audio-rehabilitation, sight exercise, exercises of orientation and movement in space and other activities depending on the needs and characteristics of the beneficiaries' disabilities) to organised leisure time. Capacities of these institutions vary, from 20 to 150 users.

251. Duration of the placement of children with developmental difficulties (physically or mentally disabled children) in institutions varies depending on the activities, i.e. type of services provided by individual homes. So, for example, children of primary school age, placed in homes for educational purposes, reside in homes for eight years on average, i.e. during their primary school education. If children are enrolled in secondary school education, the placement generally lasts for 4 years. If these are children without parents or children without appropriate parental care, the placement may last even longer. Regarding inclusion of children in various rehabilitation programmes, the length of placement depends on the type and length of the programme. In social welfare homes, education curriculum may be conducted under special conditions and programmes. In 2008, in state social welfare homes there were 1,562 children, of which 692 children in daily care, for 66 of them professional assistance in family (patronage) was provided, and for 110 children, assistance in including the child with physical or mental disability into programmes of regular pre-school and school institutions was provided.

252. Integration of children with visual impairment into the regular educational system, due to the mobile service of social welfare home, which cares for children with visual impairments, represents a positive example of activities that contribute to deinstitutionalisation of care for children. This mobile service provides professional support to teachers in regular educational institutions. The service was established with the aim to implement programmes for the realisation of conditions required for the optimum development of children with impaired sight in own families and for his/her successful education in regular kindergartens, i.e. regular schools.

253. The *Education System Development Plan 2005-2010* clearly shows a strong commitment to including pupils with special educational needs into the regular educational system, though ensuring the required support (Tables 14.f-14.xiii in Appendix 2). The *National Strategy for Equal Opportunities for Persons with Disabilities 2007-2015* and the *National Plan of Activities for the Rights and Interests of Children 2006-2012*, as well as the UN Convention on the Rights of Persons with Disabilities, in addition to the Act on Primary and Secondary School Education, are firm grounds for realisation of principles of

inclusive education. Curricula are continually modernised, and will enable appropriate education for pupils with difficulties and special curricula are adopted, as well as rehabilitation programmes. Providing assistance to families and teachers is encouraged and organised, through appropriate educational and expert counselling work, aimed at full acceptance of children with difficulties, preserving and improving mental health of children with developmental difficulties and providing support in learning for these children. The proposal of the *Rulebook on Education and Appropriate Support to Pupils with Difficulties in Primary and Secondary Schools* was made, which foresees a network of mobile, interdisciplinary teams for providing support to children and pupils, school employees and parents. The *National Pre-School and General Compulsory Primary and Secondary Education Framework Curriculum* pays special attention to children and pupils with difficulties. More important principles of the curriculum are: inclusive approach in education, differentiation of learning and teaching goals, individualised classes, flexibility of creating supply for developing cognitive, emotional and social, psychomotor knowledge and skills and creativity, appropriate for the age and capabilities, harmonisation of curriculum with pupils' potentials and with needs of real life, continuum of educational, pedagogical and didactical, psychological and rehabilitative and other support within and outside educational institutions, and promotion of positive attitudes in relation to diversity in educational institutions and wider community.

254. There are different forms of inclusion into the educational system, so children and pupils with difficulties are included with appropriate support measures in various extent, and according to individual needs: inclusion into regular kindergartens, i.e. primary and secondary school with individualised regular programme and bonus classes, inclusion into special classes and attending special schools. A special form foreseen are classes at home. Special needs in educational work in a school institution relate to work: with pupils with difficulties, pupils with emotional difficulties and behavioural disorders, and with gifted pupils and national minority children. The *National Pedagogical Standard* prescribes that a school must ensure an assistant in classes, sign language interpreter and personal assistant to pupils that, according to an appropriate decision on appropriate form of education, need assistance in learning, movement, performing school activities and tasks. In school year 2009/2010, engaging a personal assistant, assistant in classes and/or sign language interpreter was approved for a total of 209 pupils in 105 primary schools.

255. According to the data from the educational system for 2007/2008, 14,878 children with disabilities and major developmental difficulties were in some form of adjusted education, of which 9,436 were male (63%) and 5,442 female (37%), and in 2008/2009 – 17,292, of which 10,908 were male (63%) and 6,384 (37%) female persons. The most common form of adjusted education is full educational integration by adjusted teaching procedures, and most common causes of the need for an adjusted form of education are multiple impairments, light mental retardation and disorders of speech and voice communication. In the primary educational system in school year 2009/10, 16,778 (2.11%) pupils with special needs (disabilities) were included, of which 13,885 (82.76%) were in integration (in all regular primary schools), and 2,893 (17.24%) were in special schools and centres for education.

256. For pupils with chronic diseases or in conditions that require a stay or placement in healthcare institutions, primary school education is organised in accordance with regular or special conditions. Educational work with such a pupil is conducted by the institution where the pupil is placed or the nearest primary school. School classes are organised in hospitals of the cities of Zagreb, Varaždin, Crikvenica, Rijeka, Split and Pula. The number of pupils during the year is realised in accordance with needs; data set out in Table 14.xiv in Appendix 2 are prepared according to the average recorded by schools which work with pupils placed in healthcare institutions. Classes at home are conducted in accordance with

needs in all primary schools – in school year 2009/2010, they were approved for 143 pupils in 113 primary schools.

257. For expenses for special teaching resources and aids, HRK 50.00 per pupil is ensured each month for photocopying material (copying internal textbooks), didactic resources, teaching aids and increased hygiene and cleaning equipment, and HRK 25.00 per pupil in schools in which the professional extended day programme. For pupils with developmental difficulties, nutrition is co-funded from the state budget (HRK 3.50 daily per pupil for breakfast, if professional extended day programme is organised HRK 6.50 daily per pupil for lunch) (Table 14.xv in Appendix 2), and for pupils placed in stationary, HRK 41.00 is ensured for accommodation and nutrition.

258. For programmes related to needs in sport, relating to encouraging and promotion of sport of persons with disabilities and deaf persons, funds are ensured in the state budget, particularly: for operation of the *Croatian Paralympics Committee* and *Croatian Deaf Sport Federation*. The Croatian Deaf Sport Federation, in addition to organising state championships for the deaf in which children also participate, also cooperates with schools for deaf children. Through offered sport and educational programmes in schools, sport contests and meetings are organised, and emphasis is on establishing working habits, responsibility and love for sports and integration with other children. From 2004 to 2009, through the sports system, more than 1,000 deaf children passed who, in various ways and through various forms of sport activities, were included in deaf sports.

259. Approximately HRK 500,000.00 is spent annually for inclusion of deaf children and youth in activities. For the purpose of conducting sport contests and sport and recreational activities of persons with disabilities, funds are ensured in the state budget as public needs in sport. Within the National championship of school sport societies, the National championship of pupils with developmental intellectual difficulties was organised, covering 126 pupils and 42 leaders. At the National championship in 2009, pupils with developmental intellectual difficulties from 22 centres/primary schools participated.

260. As a part of Component IV of the IPA programme, Project "*Inclusion of pupils with difficulties into education for employment*" is implemented. Expected implementation results are: better equipment of institutions and organisations, improved capacities for work of teachers and staff associates, expansion and strengthening of partnership of vocational schools, centres for education of pupils with difficulties, NGOs and employers.

261. Project "*Network of schools without architectural barriers*" is implemented, the aim of which is to spatially adapt sufficient number of schools in every county for uniform accessibility of education to students with major motor difficulties and exercise of their right to education near the place of residence and growing up in own families. Needs were determined and for the first time, conditions were ensured for the creation of schools network by accessibility criterion. Every year funds are approved for adaptation of schools for the development of schools network, and until now funds were approved for the adaptation of 40 primary and 12 secondary schools, so that now approximately 200 educational institutions have the status of schools without architectural barriers. Extra-institutional education of children and youth with disabilities is also cared for, and projects and programmes of associations in this field are systematically funded (from 2005 to 2010 – HRK 4,047,890.00).

262. "*Programme of Psychosocial Assistance on Children Oncology Wards*" (2007) is one of the most important projects intended for children suffering from malignant diseases and their families. For the purpose of the project implementation, as well as other activities directed to children suffering from malignant diseases, a total of HRK 659,802.01 were spent. The *Guide through Rights from Health Insurance and Social Welfare for Needs of*

Parents of Children Suffering from Malignant Diseases (2009) was prepared, aimed to assist in exercise of rights from the field of health protection and social welfare.

263. Continually, in partnership with other associations, programmes directed to children with developmental difficulties are implemented, related to: informing and educating parents on timely recognition of developmental difficulties with newborn and small children and work with such children; counselling facilities for parents of children with developmental difficulties; well organised leisure time for children with developmental difficulties; providing support in extra-institutional forms of care for children with developmental difficulties; implementing rehabilitation programmes intended for children suffering from malignant diseases; ensuring support in overcoming communication barriers. In the period from 2004 to 2009, the implementation of 235 projects directed to children with developmental difficulties was financially supported, for which HRK 20,806,850.88 were spent. Projects directed to young people with disabilities are also supported, related to: encouraging mobility of young people with disabilities; well organised leisure time; including young people with disabilities in youth clubs and in groups for self-expression and self-representation; ensuring personal assistants for youth with the severest type and degree of disability; developing multiculturalism, tolerance, respect for diversity and participation of young people with disabilities in society; ensuring support in overcoming communication barriers; preparing young people with disabilities for partner relations, parenting and family life.

264. The "*Programme of Psychosocial Support to Children Caring for Parents with Disabilities*" (implemented from 2005 to 2009) was intended for children whose parents are persons with disabilities, who often, due to insufficient social support and care, provide assistance to their parents and family members (included 330 beneficiaries, i.e. 90 families in the city of Zagreb). During 2005, financial support of HRK 500,000.00 was provided for the "*Programme of Assistance to Families of Blind Primary and Secondary School Pupils*" that was implemented for the purpose of providing expert assistance to blind children and their families in overcoming and acquiring everyday skills and school programme. Mobile teams were ensured, which provided support to blind children and families and all required textbooks for blind children included in the integration.

265. In cooperation with the Centre for rehabilitation of the Faculty of Education and Rehabilitation Sciences, from 2005 to 2007, programme "*Developmental Integration Programmes for Early Interventions Regarding Children with Neurorisk*" was implemented, for which HRK 143,358.00 were spent. The project is directed to ensuring early intervention and rehabilitation of children with neurorisk, determining engagement of parents in everyday activities of the child with diagnosed developmental difficulties and educating professionals and parents for correct actions in everyday activities and rehabilitation at home. The Programme was extended to civil society organisations and is implemented in the wider area of the state.

266. In 2007, the implementation of the *Pilot Project "Monitoring Children with Neurorisks"* started, the aim of which was to test information forms of the list for neurorisk newborn children that is filled in by maternity wards and sent to the Regional registers, testing electronic sending path and receipt of the list sent, and later monitoring these children in the Regional register under the agreed programme for the purpose of preparing the protocol for monitoring children with neurorisks. In 2010, expansion of programme activities is expected.

267. Financial support is provided for the implementation of Project "*Specific Learning Difficulties – We Are Also Special*" implemented by the Centre for rehabilitation of the Faculty of Education and Rehabilitation Sciences of the University of Zagreb. The project is directed to providing direct assistance and support to families of children with some form

of specific learning difficulties and is implemented since 2006 (until now, HRK 146,118.00 allocated).

268. In 2007 (organised by the Council of Europe and hosted by the Republic of Croatia), the high level European conference was organised on the Council of Europe Action Plan for People with Disabilities 2006-2015: National application – from policy to practice, with goals to promote the Action Plan, develop regional international cooperation, including non-governmental organisations and to send practical recommendations to governments of states participants for the purpose of promotion of good practice examples at the national and regional levels.

B. Survival and development (art. 6, para. 2)

269. See Part III, General principles, Chapter C, The right to life, survival and development.

C. Health and health services (art. 24)

Recommendations Nos. 51, 52, 53 and 54 (a) to (f)

270. Since the last reporting period, the new *Act on Obligatory Health Insurance* and *Act on Health Protection* (2008) were adopted, but there were no changes in the part related to the health protection of children. In by-law regulations, rights related to children were extended, for example, allowing the stay of parents with the child in hospital treatment free of charge. The new *Plan of Health Protection in the Republic of Croatia* (replaced the plan of 2004) specially determines priority development fields (protection of vulnerable and specific social groups of population, promotion of health and prevention of disease) and health needs of population of special interest (ensuring healthy environment, vaccination, prevention, early recognition, diagnostics, treating mental illnesses and addictions). The new *Plan and Programme of Health Protection Measures from Obligatory Health Insurance* of 2006 (amended in 2008) gives special attention to health protection of pre-school children, women – perinatal protection (antenatal, partum and postpartum care), patronage health protection (protection of pregnant women, parturient women, newborn children and infants), preventive and educational measures for school children and students and mental health protection and improvement in hospital treatment of children.

271. In the Appendix to this Report there are detailed statistical data from this field for the period from 2004 to 2009, and their short overview is set out below.

272. In general hospitals, gynaecologic and obstetric wards employ: 414 medical doctors, 160 employees with higher and 1,361 employees with secondary school education. Paediatric and neonatal wards employ: 403 medical doctors, 216 employees with higher and 1,290 employees with secondary school education. The total number of healthcare workers increased in the activity of stationary health protection – gynaecology and obstetrics, paediatrics (Table 15.t in Appendix 2).

273. Vaccination of children against infectious diseases (diphtheria, tetanus, pertussis, poliomyelitis, morbilli, measles, parotitis, haemophilus influenzae type b and hepatitis B) is conducted systematically and free of charge. Vaccination is regulated by the Act on Protection of Population against Infectious Diseases, Rulebook on the manner of obligatory immunisation of seroprophylaxis and chemoprophylaxis and Implementation programme for obligatory vaccination – adopted for each calendar year. The state of vaccination of children, including children from certain ethnic groups, is constantly very satisfactory with

high coverage percentages above 90%, as in basic (primary) vaccination (primo vaccination), so in revaccination. This is confirmed by a very small total number of diseases vaccinated against, as well as absence of some diseases (diphtheria, poliomyelitis, neonatal tetanus, tetanus in children) (Tables 15.m-15.nj in Appendix 2).

274. Infant mortality – the most common causes are pathological conditions related to pregnancy or childbirth. Conditions from perinatal period are the cause of infant mortality in more than 50%, and congenital anomalies are second with a portion of 30-35%. Other causes participate in the total infant mortality with approximately 10-15%, and the most significant are symptoms and insufficiently defined conditions (Sudden infant death syndrome /SIDS/, injuries, respiratory system diseases) (Tables 15.d-15.j in Appendix 2). There are no significant differences in infant mortality between sexes (Table 15.b in the Appendix).

275. Mortality of children aged 1-5 years is extremely low. If the probability of dying below the age of 5 years is considered, the rate is higher due to infant mortality, but both mortality rates are at the level of EU members average (Table 15.c in Appendix 2). Mortality of children and youth below the age of 19 years is low, but the structure of death causes warns that over 50% of these deaths were caused by avoidable causes of death (injuries, poisoning and other consequences of external causes). The total mortality (in the reporting period, a total of 767 children and youth died) is higher for boys in relation to girls, which may be ascribed to higher exposure of boys to injuries, poisoning and other consequences of external causes. The second cause of death in children and youth are malignant neoplasms with a share of 18.2% in the total mortality in 2004 to 17.81% in 2009 (Tables 6.a, 6.b, 6.i, 15 and 15.a in Appendix 2). The Committee for Perinatal Medicine operates since 2005, provides guidelines for improving perinatal care with the aim to reduce mortality of children, gives proposals for improving the quality and efficiency of service organisation and standard procedures in perinatal medicine.

276. Maternal mortality is low for years and is present only in sporadic cases. In this indicator, the Republic of Croatia does not differ from western European or majority of post-transition countries. All women died during the pregnancy, childbirth or 42 days after the childbirth are included in maternal deaths, regardless of whether the cause was directly obstetric or the cause of death was indirect, i.e. due to some chronic illness or other condition that deteriorated during the pregnancy, childbirth or puerperium (Table 15.o in Appendix 2).

277. The portion of live born children with low birth weight (below 2500 grams) is approximately 5% for a number of years (Table 15.k in Appendix 2). The portion of undernourished infants is low, below 2% (Table 15.l in the Appendix). Within the programme of measures of primary health protection of children, systematic examinations and anthropometrical measurements of infants, small children and school children are conducted, and in addition, the Croatian National Institute of Public Health for over 15 years continually monitors nutrition and condition of nourishment in selected sample of school children in certain counties. Systematic examinations and monitoring the state of nourishment, undernourishment was determined in 1.7% of infants and small children. In school children population (age 7 to 15 years) according to anthropometrical index WHZ (*Weight for height*) 0.5% of undernourished was recorded (Z score < -2.0) and 14% of slightly undernourished (Z score -1.9 to -1.0). According to data for anthropometric index HAZ (*Height for age*) and stunting, there are 0.6% of children who stunt in the age from 7 to 15 years (Z score < -2.0).

278. In the reporting period, the number of children aged between 15 and 18 years having sexually transmitted diseases (syphilis and gonorrhoea), ranges from 4 for syphilis and up to 2 for gonorrhoea. It is important to mention that among children below the age of 15 years there are no ill (Table 17.c in Appendix 2). A very satisfactory general condition

regarding HIV/AIDS in the country was recorded during the entire period of over twenty years from emergence of first cases (1986). In the period from 2004 to 2009, only 2 new HIV infection cases among children were recorded, while AIDS among children and children died of AIDS were none (Table 16 in Appendix 2). Currently in the healthcare there is a total of 8 children (born between 2007 and 1994). Four children live in their families. Four children are in foster families (in one case, foster parents are the grandparents), while in social welfare institutions there are no children.

279. In accordance with the *National Programme for HIV/AIDS Infection Prevention 2005-2010*, activities are continually implemented: raising knowledge levels about HIV infection (education of employees in healthcare, education, sport institutions, social welfare institutions, education of armed forces and police officers); cooperation and coordination of activities with associations, state administration bodies, international institutions (UN thematic group for HIV/AIDS, EU – *Think Thank HIV/AIDS*, World Health Organisation); development of centres for voluntary, free of charge and anonymous counselling and testing; preventive work in adolescent population and general population; destigmatisation projects; and cooperation and coordination of activities under other strategies (programmes for harm reduction with addicts).

280. The evaluation project for the National programme for HIV/AIDS infection prevention 2005-2010, aimed at providing expert base for the programme for the following period, was coordinated and enabled by the UN thematic group for HIV/AIDS, while appropriate support was ensured by UNICEF. The production of the National Programme + for the following 5 years is in progress.

281. The Republic of Croatia does not have a separate criminal act that would sanction female genital mutilation, however, this crime may be sanctioned as the criminal act of neglect and abuse of a child or juvenile, criminal act of severe physical injury and/or criminal act of light physical injury. Within the production of the new Penal Code, introduction of a separate criminal act – female genital mutilation was proposed.

282. It is important to emphasise that all women in the Republic of Croatia have the right to free of charge childbirth in a healthcare institution, regardless of whether they have health insurance or not. Since 2006, women with obligatory health insurance have the right to a higher standard of required number of examinations related to their pregnancy, childbirth and puerperium (the standard is 10 clinical and 3 ultrasound examinations per pregnant woman, while earlier, the standard was 6-8 clinical and 2 ultrasound examinations). In cases of pathologic conditions, the number of required examinations is not limited and depends on health needs and condition of the woman. The number of parturient women with 0-2 examinations during the pregnancy was between 4.3% and 5.2% of the total number, while the largest portion of parturient women, between 58.4% and 65.8%, were examined more than nine times (Table 15.p in Appendix 2). It should also be mentioned that in maternity wards 99.9% of all children were born, and that childbirths outside healthcare institutions are extremely rare, and even then are mainly performed with expert medical assistance (Table 15.s in the Appendix).

283. The portion of childbirths by mothers aged below 20 years is gradually decreasing, which is ascribed to health education in the field of sexuality and reproductive health within healthcare services, educational system and information provided by the media. The portion of childbirths by mothers aged below 14 years ranged between 0.01 and 0.03%, while the portion of parturient women aged between 15 and 19 decreased from 4.5% in 2004 to 3.7% in 2009 (Tables 15.r and 17 in the Appendix).

284. The portion of legally induced abortions at the age below 20 years was between 7.7% and 9.2% of the total number of legally induced abortions (Tables 17.a and 17.b in the Appendix).

285. According to data from systematic examinations of infants, approximately 40% of infants aged 3-5 months were exclusively breastfed, and after that supplements began to be used, so at the age of 6 months exclusively with breast milk approximately 20% of infants were fed (Tables 15.u and 15.v in the Appendix). Humanisation of maternity wards is in accordance with permanent commitment of the Government to realising the highest possible well-being for the mother and child, which is expressed through the *National Plan of Activities for the Rights and Interests of Children and National Population Policy*. The aim is that every child be born in hospital which ensures the best possible support to the mother and child during the first days, and that every mother exits from the hospital with knowledge and wish to ensure for her child the best possible nutrition and care at the beginning of life. All maternity wards expressed the intention to join the global initiative of the World Health Organisation and UNICEF to become "Maternity wards – friends of children". Of the total of 30 maternity wards, 17 obtained the title "Maternity ward – friend of children".

286. The role of community and support groups for breastfeeding is visible through operations of 101 support groups for breastfeeding, led by patronage nurses and 5 groups organised by civil society in 19 counties. During 2009, UNICEF, in cooperation with the competent ministry and healthcare institutions, distributed a large amount of various promotional and educational material for the purpose of promoting breastfeeding and child development (more than 2,000 posters and 20,000 leaflets "*Breast-feeding is the best choice for the mother and the child*", with most frequent questions of mothers about breastfeeding and responses of experts, it was distributed in maternity wards, primary health protection, support groups for breastfeeding and other institutions providing care to mothers and children). It is important mention that in 2007, the memorandum was sent to all maternity wards, in which it was emphasised that the gift package "*Happy Baby*" is not acceptable regarding its contents and that distributing this package in maternity wards, performed by hospital staff, was not appropriate and presents a direct disturbance for the programme "Maternity wards – friends of children", after which the distribution of the package was stopped.

287. Humanisation of hospital treatment of children, aimed at realising the idea of "open hospital" in relation to children, is conducted since 1999 through programme "*For a smile of children in hospital*". The action is conducted by the Coordination committee consisting of associations' members (Union of Societies "Our Children" Croatia, Croatian society for preventive and social paediatrics and Paediatric society of the Croatian association of nurses), and representatives from the Ministries of Health and Education. 36 hospitals/children wards (92%) joined the action, and in the reporting period 24 hospitals/children wards obtained titles "Hospital/children ward – friend of children" (66.6%).

288. Within the *Croatian Nutrition Policy* (1999), activities for improvement in the nutrition of children in kindergartens and schools are continued. New standards and norms were introduced (2007) for planning nutrition in nurseries and kindergartens with monitoring their application. *Nutrition of Pre-school Age Children* is fully harmonised with prescribed guidelines of the Healthy Nutrition Programme, as nutrition is mandatory and an integral part of the planned stay of children in kindergartens. Funds for nutrition are ensured by founders and parents of children users of programmes in kindergartens. In all kindergartens, meals are planned in accordance with the Programme of health protection of children, proper nutrition and hygiene in kindergartens and in accordance with the Nutrition standards for planning the nutrition of children in kindergartens – menus and norms, of 2007. In 2009, all kindergartens had trainings on healthy nutrition, as the majority of kindergartens is already included in the application of HACCAP (scientific, rational and systematic approach to identification, assessment and control of hazards for ensuring health appropriateness of food/ drinking water). In kindergartens there are menus that parents may

control every day and participate in their creation, and data on children nourishment is kept by health leaders.

289. The Act on Primary Education and the National Pedagogical Standard for Primary Education prescribe that schools are obliged to ensure nutrition for students and the Healthy Nutrition Programme is applied in primary and secondary schools and institutions providing care to children; healthy nutrition is promoted with the aim to prevent obesity and other diseases. The results of surveys on school children nutrition show that in relation to nutrition recommendations, daily intake of food/energy is satisfactory, and due to globalisation impacts, nutrition habits take over characteristics similar to those in European countries. Nutrition for pupils is organised in 737 (84.62%) primary schools by preparation of food in schools or ordering from external sources. A meal in school cafeterias is taken by approximately 60% of children, but there are also examples where almost all students eat in school (in schools included in some of nutrition improvement programmes). Parents pay only the price of groceries, and nutrition fully free of charge is ensured for pupils who, based on their social and health condition, exercise this right. A good model for promoting proper nutrition and ensuring appropriate meals for pupils during their stay in school, proved to be the comprehensive approach to nutrition improvement, based on the cooperation of schools with responsible services for school medicine, parents and local community.

290. The implementation of Project "*Nutrition friendly school*" is in progress, the aim of which is a comprehensive approach to improving nutrition in 8 primary schools from various regions. In the majority of primary schools there are no more vending machines for drinks and snacks, and special attention is paid to physical activity. In 2008, a workshop was organised on the topic "*Promotion of proper nutrition in primary schools – examples of good practice*". In cooperation with the Croatian National Institute of Public Health, textbook "*Guidelines for a comprehensive approach to improvement in school children nutrition*" was produced and published, intended for persons who teach on the proper nutrition of children and those who organise, plan and supervise nutrition in schools. The second issue of "*Nutrition guidelines for children*" was also printed and distributed.

291. Taking into account an increase in overweightness in all age groups, in 2010, the ***Action Plan for the Prevention and Reduction of Overweightness 2010-2012*** was adopted, which defines measures directed to developing proper nutrition habits and increase in physical activity aimed at promoting healthy lifestyle and improvement in health, and in the long term, also to a reduction in disease development and early death related to overweightness and consequential diseases and conditions. The Croatian school sport federation, established under the Act on Sport (2006), implements Programme "*Olympic NO to obesity*" covering 75 schools in 7 counties aimed at combating obesity among children, by active exercise (number of participants in 2007/2008 – 2250 pupils).

292. In cooperation with the World Health Organisation (WHO), activities were conducted in the field of: nutrition aimed at establishing the Network of schools with proper nutrition/ promotion of healthy nutrition and the Network of schools that promote health; safety of food and water in schools aimed at strengthening the supervision over the safety of water and promotion of consumption of safe origin food (five steps to safe origin food); reproductive health and policies and public awareness on vaccination against HPV virus; mental health and prevention of suicides in adolescent population; physical activity and promotion of physical activity and sports among adolescent population.

293. The *Medical care card from birth to age of majority* (2006) was introduced with the aim of systematically monitoring the growth and development of children, and deviations in the growth and development. An integral part is also the Immunisation card where all child vaccinations are entered according to the Vaccination calendar. A training was held for healthcare workers who fill in the Card.

294. **Water Management Strategy** (2008) is a long-term plan document that determines goals and tasks of the state in water management for the purpose of ensuring drinking water for all citizens. The new **Act on Water** and the new **Act on Water Management Financing** created preconditions for regulating the water quality field. Based on this, a number of by-laws and other regulations were adopted, making the national legislation fully harmonised with the EU *acquis* in the field of drinking water supply and wastewater drainage. The Republic of Croatia is included in the group of countries relatively rich in water, and according to the UNESCO research (2003) it is at the high 5th place in Europe and 42nd in the world by accessibility and richness of water sources. The portion of population who have the possibility of connection to the public water supply system at the state level is 80-82% on average. The portion of population connected to the public water supply system is somewhat lower and is estimated at 74% on average.

295. There are significant differences in the level of coverage by regions, counties, and especially among towns and municipalities. Strategic goal of the public water supply development is an increase in the degree of supply of water to population from public water supply systems from current 80% to 85-90% until 2023 which is in line with European standards. A very small portion of Croatian population uses water from own wells or by gathering rainwater in containers. Water supply of islands is solved by bringing the water from the mainland, by ships carrying water, desalination of brackish water and combination of different sources, and in minor part by supplying from own sources and gathering rainwater in containers. Drinking water from public water supply facilities is under constant supervision by public health services, sanitary inspection and laboratory. Laboratory controls show that the number of incorrect samples of drinking water is continually under 9% annually (Table 15.lj in Appendix 2).

296. Water-utility sector marks a significant backlog in development of drainage service in relation to water supply. Systems of public drainage of wastewater cover 43.6% of population, with significant differences among regions and counties, i.e. municipalities and towns. The service of wastewater treatment covers approximately 27% of population or approximately 61% of population connected to the public wastewater drainage system. More than 100 wastewater treatment devices were built (of the total capacity of 3.7 million PE), mainly in towns where main industrial polluters are located. Based on annual water management plans, investments are continually made in projects of public water supply and drainage across the country.

297. Care for ill school age children in the primary health protection is conducted by doctors of general/family medicine, and preventive and specific health protection by school medicine doctors within the institutes for public health system. According to the Public Health Service Network (2009), the number of teams for preventive health protection of school age children was increased (Tables 10.f, 10.g and 4.c in Appendix 2). School children, youth and regular students make approximately 15.5% of the total population. **The right of parents to accommodation with the child during his/her hospital treatment** is regulated by the *Rulebook on rights, conditions and manner of exercising rights from obligatory health insurance*, while the right to accommodation with the child during the hospital treatment in a specialised hospital for medical rehabilitation is also regulated by the *Rulebook on conditions and manner of exercising rights from obligatory health insurance for hospital treatment by medical rehabilitation and physical therapy at home*. An insured person who exercises the right to accommodation with the child is not obliged to participate in costs, and may also exercise the right to salary compensation during this period as sick leave for child care.

298. The rights include:

(a) 24-hour accommodation is realised depending on appropriate accommodation capacities of the institution, and is exercised by insured person: mother of a child whose

only nutrition is mother's milk, i.e. there is a need to breastfeed the child; one of the parents of a child with developmental difficulties (this right was introduced in 2003 with the condition that parents' place of residence is at least 25 km from the hospital, which was abolished in 2005);

(b) Daily accommodation with the child was introduced in 2005, and relates to accommodation during the day, not overnight stay and belongs to one of the parents, under the condition that the child is younger than 5 years and that he/she is in hospital treatment for treating children with acute diseases. A parent of a child with developmental difficulties has the right to daily accommodation with the child regardless of the child's age (this right was introduced in 2007);

(c) Exceptionally, the accommodation with the child may be approved in a specialised hospital for medical rehabilitation to one of the parents or person caring for the child in cases when exactly determined programme "mother – child" is implemented for educating parents, i.e. person who cares for the child, for a child below the age of 3 years and when in the hospital medical rehabilitation of the child with special health needs the presence of parents, i.e. person caring for the child, is needed. This right also has the mother of a child whose only nutrition is mother's milk, i.e. there is a need to breastfeed the child and of the parents of a child with developmental difficulties;

(d) Since 2008, one of the parents of a child below the age of 18 years, suffering from a malignant disease, in hospital treatment against malignant diseases, has the right, depending on the accommodation capacities of the contractual hospital institution, to accommodation with the child, based on the same referral by which the child was sent to the hospital treatment.

Adolescent health

299. Special attention is paid to health protection of adolescents in order to ensure their undisturbed growth and development with special emphasis on the protection of reproductive and mental health and prevention of addiction. The most common diseases among adolescents are: respiratory system diseases, infectious and parasitic diseases, allergic diseases and injuries (limb fractures and head injuries, usually arising from traffic accidents). Leading causes of hospitalisation of children and youth, due to problems related to mental health at the age below 6 years are disorders of psychological development, and at the age 7-19 years, disorders in behavioural and feelings in childhood and adolescence (Table 17.i in Appendix 2).

300. Health protection of adolescents includes early detection and recognition of disorders and diseases, preventing socially unacceptable behaviour and addiction emergence, adopting attitudes and habits for healthy lifestyle, developing responsibility for personal health and protection of mental health, especially in relation with learning difficulties and adaptation to school. Specific parts of the programme for preventive health protection of pupils are health education and counselling. Exactly through these forms of work, problems that today's children and youth face may be responded to, which are chronic diseases, risk behaviour and behavioural disorders, improper eating habits and eating disorders, problems with learning and education, violence and abuse, etc. In order to comprehensively approach solving these challenges, health education and counselling does not include only pupils, but also families and school employees. The number of visits to counselling facilities and the number of persons included in health education activities are constantly increasing.

301. In counselling facilities for children and youth with School medicine services, children and parents in primary schools mainly asked for assistance with problems arising from chronic diseases (42%), learning problems (24%) and mental health problems (19%).

Secondary school pupils, in addition to chronic diseases (34%) more often ask for advice related to reproductive health and sexually transmitted infections (23%), learning (16%), risk behaviour (13%) and mental health (15%) (Tables 17.j and 17.k in Appendix 2). In the last several years, within School medicine services in large cities (Zagreb, Rijeka and Split), *polyvalent youth centres* are established, where young people may come without referrals and fear of stigmatisation.

302. A portion of childbirths by adolescents – women below the age of 20 years, has been low for a number of years, approximately 4% (Table 17 in Appendix 2). Although this is a small number of adolescent parturient women and low rate of childbirths by young girls, the work in youth counselling will be continued, through school medicine services in all primary and secondary schools and promotion of knowledge on family planning measures and overall sexual health through compulsory school curricula and special lectures and forums in schools.

303. Recent legislative regulation regarding the sale and consumption of tobacco products and alcoholic beverages improved the measures for protection of children and youth:

(a) The *Act on Trade* prohibits selling alcoholic beverages and other beverages containing alcohol to persons below the age of 18 years; in all selling points where alcoholic beverages and beverages containing alcohol are sold there must be a sign on the prohibition to sell them to persons below the age of 18 years. These two provisions are appropriately applied also to tobacco and tobacco products in accordance with special regulations; the seller must refuse to sell alcoholic beverages and beverages containing alcohol and tobacco and tobacco products to a customer if he/she assesses the customer is below the age of 18 years, and the customer does not prove that he/she is not below the age of 18;

(b) The *Act on Restriction on the Use of Tobacco Products* prohibits selling tobacco products to persons below the age of 18 years; tobacco products may not be sold by persons below the age of 18 years; in all selling points where tobacco products are sold there must be a sign on the prohibition to sell tobacco products to persons below the age of 18 (the sign must be in a visible place so that it can be read from the distance of ten metres); the seller may request a person he/she assesses to be younger than 18 to prove his/her age by appropriate document; sale of "herbal smokes" and other products for smoking that may encourage smoking to juvenile is prohibited; sale of tobacco products over the Internet is prohibited; sale of tobacco products from vending machines is prohibited; sale of individual cigarettes and other tobacco products outside original packaging is prohibited; sale of tobacco for oral use is prohibited;

(c) The *Act on Catering Industry* prohibits serving and allowing consumption of alcoholic beverages in a hospitality facility to persons under 18 years of age. A mark on the prohibition of serving, that is, consumption of alcohol for persons under 18 years of age must be visibly displayed in hospitality and catering facilities which serve alcoholic drinks (Table 17.h in Appendix 2 – the number of State Inspectorate actions).

304. In accordance with the National Population Policy, with the aim to improve health protection system for mother and child and family as a whole, a number of targeted activities are implemented, cooperation with civil society organisations is encouraged, with the aim to implement programmes and projects directed to education of pregnant women, their partners, parents and experts, and the development of social environment that respects and supports the family. In the reporting period, various projects were funded (for example, "Education for pregnant women and parents", "Big school of breastfeeding", "Counselling for mother and child"), picture-book "Baby is coming home" and textbook "It's good to know before, during and after the childbirth" were printed, financial support was provided

to associations directed to family, and until 2010, a total of 74 projects were funded in the amount of HRK 3,104,949.40.

305. In cooperation with the Centre for Children, Youth and Family Velika Gorica, since 2004, programmes are implemented directed to affirmation of successful parenting, providing support to family, children and youth in the local community, prevention and treatment of behavioural disorders among children and youth, quality leisure time spending by children and youth, and education of experts working with children (until 2010 – HRK 1,076,335.00). In cooperation with civil society organisations, during 2004, project "*Psychological assistance to parents of children with solid tumours*" was implemented, within which workshops were organised for work with parents, individual counselling with parents and diseased children were held, a round table was organised and promotional materials were printed (HRK 73,319.00). We also emphasise that family centres implement activities related to information, counselling, educational, advertising and other similar works related to providing support to families, children and youth.

306. In Appendix 2 an overview of relevant research conducted in relation to health of children and adolescents is provided (Tables 17.d-17.g).

307. A significant progress in the field of drug abuse prevention was achieved by implementing the ***National Drug Control Strategy in the Republic of Croatia 2006-2012*** and the Action plan on Drug Abuse Control for the period from 2009 to 2012 and annual Implementation Programmes. Coordinators for this field at the national level are the *Governmental Committee for Combating Drug Abuse and the Office for Combating Drug Abuse*. At the local level, coordinators are *County committees for combating drug abuse* with a significant role of *Services for prevention and outpatient treatment of addiction of county institutes for public health* in activities, outpatient treatment and prevention of addiction. Funds that are annually used for the implementation of the National Drug Control Strategy in the Republic of Croatia and the Action Plan are continually increased.

308. The problem of experimenting with and addiction to psychoactive drugs is present among adolescents. Population under 18 years of age is mainly exposed to experimenting (primary motives for experimenting – curiosity, influence of peers or environment, problems in school, problems in family and boredom – Table 18 in Appendix 2).

309. For possession or other acts related to drug abuse, juveniles are sent to mandatory treatment, and this is one of the main ways of entering the treatment. According to data from the State attorney's office from 1998 to 2009, a total of 5,132 juveniles were reported under Paragraph 1 of Article 173 of the Penal Code, and for other modalities from Article 173, 1,722 juveniles were reported, which makes a total of 6,854 juveniles. In the juvenile crime structure, criminal acts of drug abuse are at the third place (following criminal acts against property and criminal acts against life and body), and in this total number they participate with 5.8% (Tables 18.a-18.d in Appendix 2). According to the state attorney's office practice, in most cases a decision is made to drop criminal charges, by applying the opportunity principle and institution of insignificant act from the Penal Code. This way, the repressive approach to persons who possessed drugs for own use is reduced. Such practice is applied for some period and for now gives good results as recidivism of juveniles to whom such a selection is applied is rare. For juveniles, the opportunity principle represents a significant mechanism as criminal charges are solved in pre-criminal proceedings, action is soon after the criminal act is committed and counselling treatment to which juveniles are included is efficient in achieving correctional purposes.

310. A decrease in demand for drugs includes measures of addiction prevention, reduction of harm from drug abuse, treatment and psycho-social treatment, and operation of civil society organisations. Addiction prevention programmes are implemented primarily at local community, i.e. county levels, as multidisciplinary activities in which the following

sectors participate: education, healthcare, social welfare, NGOs and the media. Prevention programmes are directed to general population of children and youth, their families, teachers and other relevant subjects and to early detection of risky groups of children and youth and drug users in order to prevent that experimenting with drugs becomes an addiction.

311. With the Croatian National Institute for Public Health, the Register of persons treated for abuse of psychoactive drugs was established, where data are gathered on persons who requested assistance in the healthcare system and in therapy communities. Statistical data related to the number of persons in treatment are in Appendix 2 in Tables 18.e-18.h. In parallel with development of preventive programmes, programmes for addiction treatment and rehabilitation, and programmes for re-socialisation of former addicts. Regarding the chronic recidivist progress of the disease, the basis for the addiction treatment organisation is outpatient treatment within *Services for the protection of mental health, treatment and prevention*. In the social welfare system, programmes of addiction treatment are conducted, and especially for juveniles, programmes of post-treatment receipt are developed for juveniles returning from serving prison sentences and returning from correctional institutions after termination of correctional measures, as well as programmes for the external work with addicts. For addicts whom it is possible to motivate for treatment (drug-free procedure), rehabilitation in therapy communities is also enabled.

312. The *Act on Social Welfare* (2007) provides the basis for services of psychosocial rehabilitation as therapy communities for drug addicts and occasional drug users, and the *Rulebook on the type and activities of social welfare homes, manner of providing care outside own family, conditions for space, equipment and employees of social welfare homes, therapy communities, religious communities, associations and other legal persons and centre for assistance and care at home* (2009) pays special attention to condition of juveniles treatment. There are 8 therapy communities (32 therapy houses), that provide treatment and psychosocial rehabilitation to drug addicts as associations or religious communities or as social welfare homes for addicts. Therapy communities also conduct family counselling, organise self-help groups for users' families, organise various activities aimed at addiction prevention and participate as mediators in sending addicts to treatment in therapy communities abroad. In addition, approximately 50 other civil society organisations are active that implement programmes of prevention, re-socialisation, education, counselling and harm reduction programmes.

313. Cooperation with civil society organisations in implementing programmes on drug demand and supply reduction, developing forms of institutional and extra-institutional communication and connecting on all levels represents the task of the Office for Combating Drug Abuse which continually co-funds therapy communities and associations that implement various programmes in order to realise this (for example, programme for detecting groups of children at risk, preventive and educational programmes, re-socialisation programmes, etc.).

314. In the field of re-socialisation of addicts, permanent efforts are made to re-include addicts into the social community after successfully completed rehabilitation programme. We single out *Project of re-socialisation of drug addicts that completed some of the rehabilitation programmes and addiction treatment in therapy communities or penal institution, and addicts who are in outpatient treatment and for a longer period of time successfully retain abstinence and obey the prescribed therapy* (2007) and the Annual Plan for Employment Promotion for 2007 and 2008 (based on the National Action Plan for Employment 2005-2008), which includes Measures for employment promotion of rehabilitated addicts such as employment in special professions, encouraging self-employment, etc. Branch services of the Croatian Employment Service implement measures directed to vulnerable groups of the unemployed, including treated drug addicts.

315. By continually implementing preventive and repressive measures and actions (by permanent presence in places where sellers and users of drugs as well as probable future drug users gather and meet), i.e. by targeted implementation of operative measures and procedures aimed at eliminating drug supply, setting up of open narco-scenes is managed to be prevented and thereby the accessibility of drugs is reduced, but also emergence of a large number of new drug addicts. By operative field work data are gathered on accessibility of certain drug types, manner of distribution and their prices in the illegal narco-market, places where they are usually distributed, based on which trends in the illegal narco-market are monitored, and activities are directed to a decrease in supply. Special attention is directed to abuse and smuggling of synthetic drugs, and marijuana and its products, whose portion in the illegal narco-market is increasing every year, with emergence of increasingly aggressive supply of these drugs. The Ministry of the Interior reports on emergence of new psychoactive substances in the state in order to make risk assessment and to put them under legal control. Police officers of the Ministry held a large number of lectures (trainings) in primary and secondary schools, related to the prevention of drug abuse. Also, the *Penal Code* prescribes a more severe punishment for a perpetrator who lures a child or juvenile to use drugs, or gives him/her drug to be used by him/herself or by other person, or makes available premises for the use of drugs, or in other way enables the use of drugs. Prescribed sentence is from one to ten years.

316. Regarding the increasingly common so-called modern addictions of which the most significant are addictions to gambling and addiction to the Internet, the *National Programme of Addiction Prevention for Children and Youth in the Educational System, and Children and Youth in the Social Welfare System 2010-2014* unifies preventive strategies and is aimed at eliminating and preventing emergence of all forms of addiction among children and youth. This document also includes risky behaviour of children and youth related to experimenting with addiction substances, which includes prevention of addiction to drugs, alcohol, smoking, Internet, video games, gambling and other types of addiction among children and youth. The contents of the National Programme consists of programmes of addiction prevention for pre-school age and school age children, for students in institutions of higher learning, for children and youth in the social welfare system, evaluation criteria for preventive programmes, and standards of prevention of all forms of addiction and risky behaviour among children and youth.

317. In addition, the *Act on Games of Chance* (2009) determines the prohibition to receive bets from persons under 18 years of age, and the prohibition of juvenile participation in machine games. Further, at the preparation of the *Draft Proposal of the new Act on Offences against Public Law and Order* the amendment to the provision of the currently effective *Act on Offences against Public Law and Order* related to providing alcoholic beverages to a drunk person or juvenile below the age of 16 years will be proposed. In accordance with this Proposal, this offence would be divided into an offence of providing beverages containing alcohol to a person under the influence of alcohol and to an offence of providing such drinks to a child or juvenile. Thereby the age limit of offence perpetrators would move from current 16 to 18 years, as prescribed by the Act on Catering Industry.

318. For the purpose of improving school preventive programmes, in 2007, the production of a multimedia CD was co-funded, containing 32 examples of good practice in preparation and implementation of these school programmes. Textbooks "*Handbook prevention – alcohol, drugs and tobacco*" and "*European handbook on drug prevention: alcohol, drugs and tobacco*" were also published. For the prevention of addiction and violence in educational institutions in 2008, staff associates were responsible: pedagogues (715), special education teachers (363), psychologists (299), healthcare workers (57) and social workers (14). A portion of preventive programmes was partly implemented also through pupil councils in counties (13). There are also county crisis teams (21) who act

preventively and solve crisis situations. In 2009, a professional meeting was organised for preschool teachers, staff associates, teachers and for leaders of county professional councils of lower grade teachers on the topic "*School preventive programmes – role of school in the prevention of addiction*" within which handbook "*School addiction prevention programmes*" was presented.

319. During 2009, the Education and Teacher Training Agency joined the implementation of preventive programme "*Unplugged – prevention of tobacco, alcohol and other substance abuse*" arisen at the initiative of the *European Union Drug Abuse Prevention (EUDAP)* and implemented for 5 years already in 7 European countries. From 2009 to 2011, under the leadership of the Faculty of Education and Rehabilitation Sciences of the University of Zagreb, the project was adapted and implemented in 13 primary schools in Zagreb and surroundings. Another 4 European countries are included in the project, which is led and financially supported by the *Mentor Foundation International*. This Programme is based on learning life skills and concept of social influences and thereby it promotes positive and healthy behaviour and impacts the prevention of substance abuse (tobacco, alcohol and other substance abuse). Direct programme users are pupils of 6th grades and their parents. Also, relevant bodies at the state and local levels, together with the Embassy of the Republic of France in Croatia organised in 2009 a professional meeting "*Exhibition of school preventive programmes*" where school preventive programmes from 35 primary and secondary schools and pupil dorms with 148 participants were presented. As a part of the exhibition, an exposition of 191 art works from primary and secondary school at the topic of addiction prevention and violence prevention was prepared.

320. Other activities are also implemented, of which we single out: funding projects that contribute to combating drugs and all forms of addiction (including projects related to operations of Youth Clubs and regional Info-centres for youth); activities implemented by family centres aimed at strengthening families for a more successful coping with problems of drug abuse through organising counselling for children and parents related to drug abuse (educational and informative activities related to drug abuse prevention with children, youth and parents, programmes for parents aimed at acquiring knowledge and skills of successful parenting and programmes for the prevention of behavioural disorders among children and youth); and continually celebrating International Day – 26th June and Month of combating addiction – 15th November to 15th December.

321. We also point out that criminal legislation of the Republic of Croatia sanctions extramarital life of a person of full age who lives in an extramarital union with a juvenile above 14 but below 16 years of age. Criminal responsibility is also foreseen for parents, adopters or guardians who enable to a juvenile aged between 14 and 16 years to live in an extramarital union with another person or lures him/her into it. If the perpetrator had a sexual intercourse or an equivalent sexual act with a juvenile aged below 14 years, he/she is also responsible for the criminal act of sexual intercourse with a child, described in the Penal Code.

322. In the field *Separation from parents*, measures are set out related to the protection of children whose parents are convicts or who live with their mothers in prison.

D. Social security and child-care services and facilities (arts. 26 and 18, para. 3)

323. The new *Income Tax Act* has been applied since 2005 (replaces the previous one of 2000), by which personal deduction amounts have been increased as compared to the previous Act. Thus, residents may increase their personal deduction for dependent children by: 0.5 of the basic personal deduction for the first child, 0.7 for the second, 1.0 for the

third, 1.4 for the fourth, 1.9 for the fifth, whereas for every subsequent child the basic personal deduction rate increases progressively by 0.6, 0.7, 0.8, 0.9, 1.0, etc., with respect to the deduction rate for the previous child, 0.3 of the basic personal deduction for a disabled taxpayer, each disabled dependent family member and each disabled child and 1.0 of the basic personal deduction for a taxpayer, each dependent family member and each child whose established degree of disability is 100% and/or who due to their disability are entitled to assistance and care. Children are considered to be children supported by their parents, guardians, adoptive parents, stepmothers and stepfathers as well as children from when they finish regular education until their first employment. As compared to the previous Act, the new Act sets forth that family pensions which become payable to children upon the death of their parents pursuant to special provisions as well as the children's allowance and cash benefits for the newborn child's equipment, are not considered income.

324. Pursuant to the amendments to this Act of 2010, newborn child benefits or allowances paid to children in case of death of their parents by the units of local and regional government, are also not considered income. Among other, the Income Tax Act also sets forth that income tax is not paid, up to a prescribed amount, for awards to pupils during practical work and apprenticeship, awards won at competitions organised within the educational system and organised school competitions as well as for pays earned for work during regular education through pupils' and students' associations, under prescribed conditions. Income tax is not paid for scholarships for pupils and students included into regular education at secondary schools, two-year post-secondary schools, institutions of higher learning and faculties, up to a prescribed amount.

325. Pursuant to the *Value Added Tax Act*, 0% VAT is imposed on all types of milk put into circulation under the same name, on baby formulas used as a complete substitute for mother's milk as well as professional, scientific, art, cultural and educational books, pedagogy textbooks, primary, secondary and higher education textbooks and children's books, i.e. colouring books and picture books. Other items exempt from VAT include services and goods regarding the protection of children and youth performed and delivered by institutions, bodies or other organisations which are considered, pursuant to regulations, to be engaged in social welfare activities; education of children and youth; services and goods provided by pre-school, primary, secondary and higher education institutions as well as other institutions for pupils and students, including goods and services provided by bodies exercising public functions having such objectives or other organisations having similar objectives pursuant to regulations.

326. In order to enable harmonisation of parents' professional and personal obligations and a quality pre-school care, the National Population Policy sets forth a series of measures. Their implementation contributes to the provision of spatial, personnel and other prerequisites for adequate child care, adjusted to various needs of parents and children as well as to children's age; to raising the quality of institutional and extra-institutional child care; to ensuring equal access to services intended for children; and raising the quality of life of children coming from large families. The implementation of the National Population Policy over the previous period has resulted in the increase of cash payments and benefits for families and amendments to legal provisions. Thus, the amount of the lowest maternity benefit has been increased and the limit to the payment of compulsory maternity leave benefit has been lifted. After 12 years of application, there's been a considerable increase in the amount of cash benefits for the newborn child's equipment paid from the local budget. The lowest amount of children's allowance has also been increased and in addition to the determined amount of children's allowance the beneficiaries are also entitled to the allowance for the third and fourth child amounting to HRK 500.00. Regarding the system of family benefits, it is worthwhile mentioning that despite the economic crisis the amounts of children's allowance, maternity and parental benefit have not changed and the limit to the payment of compulsory maternity leave benefit has been lifted (Table 4 in Appendix 2).

327. There is an initiative not to take long weekends in the eve of and during holidays, thus, since 2005, working hours of kindergartens have been adjusted to parents' needs, but not longer than a 10-hour stay of a child in the kindergarten, including pre-holiday days. Since 2005, the working hours of kindergartens and other legal persons involved in pre-school child care is being systematically adjusted to the parents' working hours. Kindergartens generally work from 6 a.m. till 8 p.m., but since most children arrive between 7.30 and 8 a.m. and parents pick them up after work usually between 4.30 and 5 p.m., programmes for children have also been adjusted to the children's needs. All children who arrive early are included in the morning programme led by the same teacher and children who stay after 5 p.m. are included in the afternoon programme. The total number of shift programmes in kindergartens has been introduced in 12 cities. Children are included into shift programmes from 1 p.m. till 10 p.m., i.e. during the working hours of their parents. In addition, the number of pupils, included into extended day programme in schools and the number of schools providing for it has increased (Table 10.d in Appendix 2). The *National Pedagogical Standard of Primary Education* prescribes the lowest number (14) and the optimal number (14) of pupils included in the extended day programme. The organisation and implementation of the extended day programme in schools lies within the authority of the founder. In addition to the extended day programme there are also whole-day classes.

328. In the school year 2009/2010, educational work was carried out in 2,119 facilities (874 primary schools), of which 156 facilities are fully adjusted (7%), 423 facilities are partially spatially adjusted (20%), while 1,540 facilities are unadjusted (73%). The number of kindergartens and primary schools is shown in Tables 10 and 10.a in the Appendix.

329. Since 2007, on the occasion of celebrating International Family Day, award *Company – a Friend of the Family* is being conferred upon companies offering high-quality solutions in providing mother- and family-friendly working environment. The following criteria are taken into consideration: number of employees with children up to 12 years of age, employees with three or more children, number of employees who have kept their positions upon the return from maternity/parental leave, number of employees – single parents, working hours, the provision of different forms of employment related to the protection of maternity as well as other possibilities provided by the company regarding the employees and their families. The purpose of the award is to strengthen big companies and corporations to be able to found pre-school institutions and play-rooms depending on the needs (number of children).

330. Also, since 2008, with the aim of improving relations among the family, state, local community and the economy, municipalities, towns and counties may apply for the competition *Local Community – a Friend of the Family*. The following criteria are taken into consideration in conferring this award: criteria regarding the development of local programmes for the implementation of measures of the National Population Policy, the number of the conducted activities, the amount of financial support for projects developed by civil society organisations, implementation of additional measures, such as the child benefit and one-off payment for a newborn child, amount of financial support for the activities aimed at providing quality leisure programmes for children and youth in the community as well as the forms and methods of providing access to information on educative programmes for families in the local community. In the period from 2007 till 2010, 5 awards *Company – a Friend of the Family* and 6 awards *Local Community – a Friend of the Family* were conferred to municipalities and town (a total of HRK 83,112.15 was spent for the procedure).

E. Standard of living (art. 27)

Recommendations Nos. 55 and 56 (a) to (c)

331. Joint Memorandum on Social Inclusion of the Republic of Croatia (JIM) was signed in 2007 and the Commission to monitor the realisation of its objectives, tasks and activities was established. Upon signing the JIM, instead of the development of the draft Programme of Fight against Poverty, the National Implementation Plan on Social Inclusion (2007-2008) based on the defined priorities and measures as set forth in the JIM was developed. All measures and activities were defined in accordance with the EU objectives regarding the fight against poverty and social exclusion. A total of HRK 800,000.00 were provided for the implementation of the JIM. In the course of 2009 a new National Implementation Plan for the Period from 2009 till 2010 was developed. It took into consideration the challenges from the previous implementation plan as well as the measures not included into the previous plan. Third conference after signing the JIM took place in 2009 with the aim to discuss the forthcoming key reform challenges and problems hampering the successful vertical and horizontal management of processes important for the implementation of JIM. In addition, by mid-2009, the second Report on the Implementation of the JIM and the National Implementation Plan for the period from 2007 till 2008 was drawn up. Progress made in particular areas of social inclusion as well as subsequent challenges, such as speeding up of the process of deinstitutionalisation and decentralisation, employment and social inclusion of minorities, promotion of life-long learning, protection of vulnerable groups from the adverse effects of the economic crisis, monitoring of the taken measures, etc. were set out in the Evaluation Report of the European Commission on the implementation of measures from the beginning of 2008 till March 2009. Proceeding from the Evaluation Report and reporting guidelines for 2009 the Report on the Implementation of JIM in 2009 was drawn up. The Report presents the strategic approach in dealing with challenges of poverty and social exclusion in the course of 2009, outlines the social, economic and demographic situation and framework of the strategic approach for the period from 2010 till 2011. The second part provides information on the implementation of priorities and measures defined in the JIM and the National Implementation Plan for the period from 2009 till 2010. The Report emphasises social consequences of the economic and financial crisis as well as the measures taken to mitigate its adverse effects. County coordinators for the JIM were appointed in the course of 2009.

332. The Act on Social Welfare was amended in 2007, which was the first step in the creation of a new, more rational and effective social welfare system aimed at socially vulnerable groups, which would eventually be harmonised with the criteria and standards that are in force in the EU member states. Pursuant to the stated amendments children's allowance is no longer considered a family income, which provides for equal and fairer conditions to obtain the right to permanent aid for large families. In addition, the amendments introduce new aspects of the right to care outside one's own family – financial support for students, providing former users of permanent accommodation in social welfare homes or foster families social security during regular education. It is the users who due to the lack of their parents' or relatives' material and other support found themselves in an extremely difficult situation and were forced to solve their existential problems on their own since further accommodation in a social welfare home was impossible. Since the beginning of the application of the Act till October 2010 HRK 4,254,374.04 was spent for this purpose.

333. In order to ensure the right of every pupil to education under equal conditions, all primary school and first-grade secondary school pupils were provided with free textbooks in the school year 2007/2008 by the Government Decision and the amendments to the Act on Primary and Secondary School Textbooks (2006). Pursuant to the guidelines of the National Programme of Measures for the Introduction of Compulsory Secondary

Education, first-grade secondary school pupils were also provided with free textbooks, free transportation and free accommodation in pupils' hostels. Pursuant to the Government Decision of 2009, three measures (free textbooks, public transportation, and accommodation in pupils' hostels) of the *National Programme of Measures for the Introduction of Compulsory Secondary Education* are no longer being implemented. It is regulated by the amendments to the Act on Primary and Secondary School Education of 2009 that stipulate decentralized funding of a part of measures from the budgets of the units of local and regional government (co-funding of accommodation in pupils' hostels), whereas the co-/funding of pupil transportation shall be regulated individually for each school year depending on the disposable funds from the State Budget. Other incentives determined by the National Implementation Plan regarding the in-service training of teachers, their professional representation in the educational system and implementation of the reform process of modernization of vocational education are still being implemented in line with the real annual implementation plan. In 2009, around HRK 270,000,000.00 was spent for pupil transportation and printing and distribution of free textbooks. Taking into consideration all counties, some 45% of pupils were covered by the measure providing for free transportation over the past three school years. It was as a result of the cooperation with publishers and textbook authors that all primary school pupils were provided with brand new textbooks (419) harmonised with the new, quality Primary School Curriculum adopted in 2006.

334. Free textbooks were procured for the members of minorities in cooperation with their representatives. Free textbooks were provided for children and youth placed in children's homes due to unfavourable socio-economic circumstances or in a reformatory on account of the committed criminal offences. Free textbooks were delivered to 2,445 schools (843 central primary schools, 400 secondary schools and 1,202 branch primary schools) for 452,000 primary and first-grade secondary school pupils. A total of 8,600,000 textbooks were distributed in 24,440 classes. Recapitulation of expenses in 2007 is shown in Table 20.x in Appendix 2. In 2008, textbooks for 450,000 primary and 1st and 2nd grade secondary school pupils were distributed. A total of 7,820,000 textbooks were distributed in 2,445 schools, in 24,440 classes.

335. Pursuant to the amended Act on Primary and Secondary School Textbooks (2009) full funding of textbooks and other teaching aids for primary and secondary school pupils from the State Budget was revoked but it prescribes that the Government may, depending on the disposable funds in the State Budget, make a decision on their co-/funding for each school year. Thus, in 2009, pursuant to the Government Decision, textbooks and other teaching aids for school year 2009/2010 were funded for the children of Homeland War veterans, beneficiaries of permanent aid and care outside one's own family, who are placed in foster families and attend primary or secondary schools. In addition, interurban transportation is funded for secondary school pupils who have the right to free textbooks. Before the beginning of the school year 2009/2010, Education and Teacher Training Agency delivered, from the storehouse for textbooks distributed within the free textbooks project, used and new textbooks for primary, first- and second-grade secondary school pupils to primary and secondary schools in the areas of special state concern. The estimated value of the distributed new textbooks amounts to HRK 6,813,533.53. Before the adoption of the amended Act on Textbooks in 2009, a total of HRK 342,900.00 was spent to import textbooks necessary for teaching in the Serbian language and Cyrillic script. In 2009, pupils attending Italian primary and secondary schools were provided with free textbooks for the purpose of which a total of HRK 19,700.00 was spent.

336. Units of local and regional government provide additional forms of aid for the transportation of pupils attending regular education programmes. Pursuant to the *Act on Primary and Secondary School Education* all 1st to 4th grade pupils living at least three kilometres away from school as well as 5th to 8th grade pupils living at least five kilometres

away from school are entitled to transportation. Pursuant to the *Decision on the Criteria for Funding High Transportation Expenses and Special Teaching Aids and Co-Funding School Meals for Pupils With Developmental Difficulties* transportation expenses and transportation expenses for a chaperon, when one is needed due to the type and level of difficulty, are provided for pupils with difficulties attending primary school programmes (Table 14 xvi in the Appendix). Fuel expenses for kilometres travelled are refunded for the approved individual transportation of parents as follows: 10% of the fuel price for the vehicle used by the parent for the purpose of transportation and 15% of the fuel price for the vehicle used by the parent to transport more than one child.

337. Special attention is paid to improving the living standard of families with eight or more children with the aim of preventing poverty and successfully integrating children into the community. Since 2004, special support programmes are being implemented, such as the programme of providing free textbooks for children from families with eight or more children, who were not entitled to such support under other regulations. Under the programme, free textbooks to the total amount of HRK 3,297,180.24 for the period from 2004 till 2009 were provided. In the period from 2004 till 2007, textbooks were provided for 3,795 primary and secondary school pupils; in the school year 2007/2008 for 311 2nd to 4th grade secondary school pupils and in the school year 2008/2009 for 189 3rd and 4th secondary school pupils. The programme was not implemented in the school year 2009/2010.

338. In 2004, funds were provided for the provision of computers for the families with eight or more children. In 2004 and 2005, 523 families were entitled to a computer (HRK 1,668,316.66 spent). Furthermore, in 2004, a programme *The Joys of Christmas* was implemented by the associations of large families (HRK 330,000.00 spent). Since 2006, a programme of providing pecuniary gifts for children from families entitled to allowance for eight or more children on the occasion of St. Nicholas Day is being implemented. Since 2008, the programme also covers beneficiaries entitled to the increased allowance for children without both parents. In the period from 2006 till 2008, the programme covered 3,594 children (HRK 1,339,911.50 spent). In 2008, in addition to 1,293 children from families with eight or more children, the programme covered 77 children without both parents cared for by the beneficiaries of the increased allowance (HRK 471,280.00 spent). In 2009, this programme was funded by the *Foundation Croatia for Children*. The programme included the beneficiaries of children's allowance with eight or more children as well as those entitled to the increased allowance for children without both parents, who have turned 15 in the current calendar year. In 2009, the programme covered 1,326 children (of which 65 without both parents) and total of HRK 450,840.00 was spent. A total of 145 foundations were established, of which over 40 deal with children in different ways (providing material aid, helping sick children, children of the deceased Homeland War veterans, awarding scholarships, stimulating children's creativity, etc.).

339. In the period from 2009 till 2010, seven new foundations for bringing together and protecting children and youth were established, by which the number of foundations having the mentioned scope of activity increased to 34. In addition, ten foundations were established, of which, in the period from 2004 till 2010 four for children (material aid in establishing a kindergarten for children with developmental difficulties, medical aid and other forms of aid for children with tumors and other diseases, help for underprivileged children and other). *Foundation Croatia for Children* (began its work at the beginning of 2009) is aimed at families living under difficult social and material conditions and large families with gifted children. They are provided with pecuniary aid, goods, the possibility to attend cultural, educational, sports, recreational and other programmes as well as other forms of aid. In the academic year 2009/2010, a total of 65 student scholarships were awarded in the scholarship competition (HRK 650,000.00 spent). In the academic year 2010/2011, 1,433 scholarships to the amount of HRK 12 mil. (437 pupil and 996 student

scholarships) were awarded in the scholarship competition. The projects *Weekend Programmes for Children from Families with Five or More Children* and *Summer and Winter Holidays for Children* are also being implemented.

VII. Education, leisure and cultural activities

A. Education, including vocational training and guidance (art. 28)

Recommendations Nos. 57 and 58 (a) to (g)

340. Under the *Act on Primary and Secondary School Education* of 2008, primary education is compulsory for all pupils in the Republic of Croatia (see Appendix 1).

341. Pursuant to the Constitution and the Act on Pre-School Education, pre-school education is provided for children aged between 6 months and 3 years (ECCE) and children from the age of 4 until they start primary school (ISCED 0) in the Croatian language and latin script as well as in the languages of minorities. There were 673 kindergartens in 2010 (Table 10 in Appendix 2). The founders of 238 kindergartens are physical persons, religious communities and associations whereas local and regional government – counties, towns and municipalities are the founders of 435 (64.60%) kindergartens. A total of 151,514 children are included in the pre-school educational system as follows: 112,346 children (74.10%) in regular full-day programmes, 15,668 children (10.40%) in playschools and 23,500 children (15.50%) in short programmes (art, music, prevention, sports, foreign languages), verified by the competent ministry. In 2010, the pre-school educational system included 5,985 (5.30%) of children with developmental difficulties, 1,678 (1.50%) gifted children and 2,348 (2.10%) national minority children. Since 2005, 182 new kindergartens have been built. From 2006 till 2009, the State and the World Bank funded the equipment of 96 new kindergartens in towns and municipalities in 20 counties that until then had no organised pre-school programmes, by which additional 9,450 children were included into pre-school education programmes.

342. The project of early foreign language learning in kindergartens includes over 69% of children aged between 4 and 6 who learn one foreign language either as a part of the regular kindergarten programme or as a short programme outside the regular programme. In 2010, 426 newly verified pre-school programmes adjusted to the needs and abilities of children and based on the humanistic and developmental approach to children will be carried out. Some 75% of children from the age of three until primary school are covered by sports programmes. A total of 436 sports programmes, including rhythmic gymnastics, dancing, folklore, five-a-side football, taekwondo, tennis and so on have been verified. Sports competitions are regularly being organised in kindergartens during the Croatian Kindergarten Olympic Festival. In addition, there are programmes for pre-school children with health problems.

343. Kindergartens and hospitals jointly established four programmes for sick children in Zagreb and Sisak (in 2009 there were four wards in hospitals for pre-school children). Since 2007 all kindergartens and other legal persons carrying out pre-school education programmes are obliged, pursuant to national programmes, to include into their annual curricula safety, protection and prevention activities and operating procedures in various crisis situations with the aim of providing the highest possible level of safety for children and shared responsibility among all employees and the local community in averting such dangers (until now there are 93 such verified programmes with detailed operating procedures). There are also kindergartens specializing in alternative pedagogy: Montessori (6), Waldorf pedagogy (5), Agazzi (pedagogy of communion) (1) and with elements of Reggio pedagogy. For the purpose of in-service training of kindergarten teachers and staff

associates 59 kindergartens have been designated as training centres of institutions of higher learning. Due to their quality and excellence fourteen kindergartens have been designated as professional development centres for the purpose of in-service training of education workers.

344. The development goals as set by the *Education System Development Plan for the period from 2005 till 2010* regarding the increase in the number of children enrolled in pre-school programmes from 43% to 60% and children covered by playschools from 96% to 98% by 2010 have been achieved before the expected term. The kindergarten attendance rate has increased to 58% whereas the playschool attendance rate is 99%. Other numerous steps have been made with the aim of providing equal conditions for all pre-school children.

345. In the school year 2010/2011 there were 875 central primary schools (19 schools for children with difficulties). In addition, there are 18 institutions for the education of difficulties. Towns and counties are the founders of 863 whereas physical and legal persons are the founders of 12 primary schools. Two private schools specialize in alternative education programmes and there is one Montessori school. Art programmes are carried out in 86 institutions within the primary educational system (52 music and dance schools operating as independent institutions, 14 at open colleges/cultural centres and 20 at regular primary schools). The number of primary school pupils is constantly decreasing but there is an increase in the number of pupils finishing primary education. Data in Table 20.d in Appendix 2 show that more than 99.7% of pupils finish 8th grade (the total number of pupils and those enrolled in the 1st grade primary school in the reporting – Table 20.e in Appendix 2). Primary schools run one- or multiple-shift systems. Pursuant to the *Education System Development Strategy* the number of primary schools running a three-shift system is decreasing whereas the proportion of those running one- or two-shift systems is increasing (Table 10.e in Appendix 2). In the school year 2009/2010 there were 37.9% of primary schools running a one-shift system, 57.8% of primary schools running a double-shift system and 4.3% of primary schools running a three-shift system (38 schools). At the same time there are more and more pupils attending one-shift (26.5%) and two-shift schools (66.3%) whereas 7.2% of pupils attend three-shift schools.

346. Pursuant to the Act and Pedagogical Standards education for all children and pupils with difficulties is provided in regular primary schools. Until the adoption of the new Act pupils with difficulties could receive education only in special education institutions. However, the National Pedagogical Standard has provided for the opening of special education classes at regular primary schools for all pupils, except those needing additional social and/or health care, which includes the cooperation of educational, social and health institutions (in the school year 2009/2010 1,091 pupils with difficulties were educated in 91 regular primary schools, in 199 classes). Apart from regular classes, there is a choice of extra-curricular activities in all primary schools. All pupils attend at least one, whereas most attend two extra-curricular activities. Most pupils choose the following activities: sports, school choir, literary and drama groups, pupils' cooperatives, ecology groups and other projects implemented in schools. On average, 62% of primary school pupils also attend out-of-school activities (the smallest percentage of pupils attending activities being 32 and the highest 78). Most pupils attend sports clubs, cultural and performing societies, schools for foreign languages and music schools – 17,382 (5%) of male and female primary school pupils attend music and dance schools (Table 20.y in the Appendix).

347. In the school year 2009/2010, there were 424 secondary schools, whereas in the school year 2008/2009 there were 418 schools. In the school year 2009/2010 173,615 pupils were enrolled into secondary education programmes, which is a decrease of 2.24% as compared to the school year 2008/2009 (177,593 enrolled pupils). It is primarily a result of negative demographic trends. In the school year 2009/2010 29.42% of pupils were

enrolled into grammar school programmes, whereas 68.32% of pupils were enrolled into vocational school programmes, which is an increase of around 0.90% as regards grammar school programmes and an increase of 0.43% as regards vocational school programmes, as compared to the previous school year. The increase in the number of pupils enrolled into grammar school and vocational school programmes (with respect to the total number of pupils enrolled into secondary schools) is a result of decrease in the number of pupils enrolled into other programmes of around 1.4% (music programmes, ballet and dancing programmes, lower educational background programmes and programmes for pupils with difficulties). The total number of pupils enrolled into 1st grade secondary school as well as the number of schools is shown in Table 20.f in Appendix 2.

348. The right to education under equal conditions (qualified staff, material and technical conditions) is particularly being promoted by the National Pedagogical Standard for Secondary Education (increase in the number of schools running a one-shift system, number of pupils in the class, daily burden of pupils, increase in the number of schools without physical barriers for disabled persons, access to professional help adjusted to individual needs throughout the country). Education is being systematically improved and its quality ensured by the introduction of State Matura which was implemented for the first time in the school year 2009/2010. Its implementation raises the level of responsibility of all participants in the educational system and the evaluation of pupils' achievements becomes fairer, more reliable and objective. Accepting the State Matura examination results as a substitute for entrance examinations at all institutions of higher learning has provided for a simpler and more transparent enrolment into the institutions of higher education. National examinations (experimental State Matura) for 3rd grade four-year secondary school pupils were conducted in the school year 2008/2009 and the National Information System for Registration to Institutions of Higher Learning was tested in order to prepare pupils and the system for the implementation of the first State Matura in the school year 2009/2010.

349. The *Act on Vocational Education* (2009) regulates key changes in the vocational education and training system, in particular those regarding the harmonisation of the educational system with the needs of the labour market. Thus, this Act sets forth new methodology of programming vocational curricula based on the occupational standards and standards of vocational qualifications. Thirteen sector councils have been established under this Act whose work is organised and coordinated by the Agency for Vocational Education and Adult Education. Schools are being continually equipped and networked on the entire territory of the Republic of Croatia and vocational schools are being provided with workshop and lab equipment in line with the pedagogical standards (2009 – HRK 12,600,000.00).

National minorities

350. The right of members of national minorities to education in their own language and script is granted under the *Constitution, Constitutional Act on the Rights of National Minorities and the Act on Education in the Language and Script of the National Minorities*. Members of national minorities are educated in pre-school, primary and secondary school institutions in their own language and script under the conditions and in the manner prescribed by a special programme of education in the language and script of national minorities adopted by the competent ministry and special models of education (Table 20.nj in Appendix 2).

351. There are three models of conducting classes in the language and script of minorities in the Croatian educational system:

- Model A – classes are conducted in the language and script of national minorities with compulsory Croatian language classes;

- Model B – classes are conducted in the Croatian language and the script of the national minority, so called bilingual classes; and
- Model C – classes are conducted in the Croatian language with additional five lecture hours for teaching of language and culture of a national minority.

352. Special forms of teaching (seminars, summer and winter schools, correspondence and consultative classes, distance learning) are provided primarily for those minorities not requesting education in their own language and script, i.e. when it is impossible to organise classes in accordance with the models A, B, or C for objective reasons. Ministry of Science, Education and Sports co-funds the organisation and performance of these special forms of teaching (Table 20.n in Appendix 2). Pursuant to the Act on Education in the Language and Script of National Minorities, in 2009, schools conducting classes in the language and script of national minorities used textbooks imported from ethnic homelands for the purpose of teaching mother tongues (Czech, Hungarian, Serbian and Italian languages). In 2009, the design and production/import of textbooks for classes in the Hungarian, Serbian, Italian and Czech languages was co-funded to the amount of HRK 2,813,696.14.

353. Pursuant to the Act on Education in the Language and Script of National Minorities the design and production of textbooks for the purpose of teaching in the language and script of national minorities is funded from the State Budget in order that such textbooks should cost the same as textbooks for pupils taught in the Croatian language. In 2009, a total of HRK 332,136.00 was spent for the work of expert commissions for the evaluation of textbooks intended for teaching in the language and script of national minorities. Pursuant to the above-mentioned Act, classes in educational institutions are primarily taught by teachers – members of national minorities, but also others who are fully proficient in the language of a national minority (in 2009, a total of HRK 18,133,638.02 was spent for their salaries). In addition, the preparation and printing of an information and educational guide as well as of an information and educational bulletin for national minorities entitled *Education Possibilities for National Minorities in the Republic of Croatia* (STINA d.o.o., Split) was funded to the amount of HRK 72,000.00. Tables 20.g and 20.h in the Appendix 2 show the number of children, institutions and kindergarten teachers/teachers included in the programmes of education in the language and script of national minorities in the period from 2007 till 2010.

354. Pre-school institutions for minority children are founded under the same conditions prescribed by the Act on Pre-School Education and the Act on Education in the Language and Script of National Minorities. Education is not conducted in accordance with models A, B or C as in primary and secondary schools. Instead, children attend five-hour and ten-hour programmes in the language and script of national minorities with compulsory learning of the Croatian Language from 1 to 2 lecture hours daily depending on the duration of the programme (number of children in pre-school education in the period from 2007 till 2009 – Tables 20.i and 20.j in Appendix 2). A total of HRK 1,506,000.00 was spent for the work of pre-school institutions attended by Czech minority children (HRK 126,900.00), Hungarian minority children (HRK 153,300.00), Serbian minority children (HRK 299,700.00), Italian minority children (HRK 71,300.00), Jewish minority children (HRK 5,700.00) and Roma minority children (HRK 149,100.00).

355. As previously stated, minority children are educated in accordance with the three models of organizing and conducting classes (Model A – Italian, Serbian, Hungarian and Czech national minority; Model B – Hungarian national minority; Model C – Albanian, Czech, Hungarian, Macedonian, Austrian/German, Ruthenian, Slovak, Slovenian, Serbian and Ukrainian national minorities). The number of pupils who received primary education in the period from 2007 till 2010 is shown in Tables 20.k and 20.l in Appendix 2. In 2008, the opening of classes for teaching the Slovenian, Albanian, Slovak, Serbian and

Macedonian language and culture (in accordance with model C) was approved in five primary schools.

356. Secondary education for minority pupils is also organised in accordance with the three models (Model A – Italian, Serbian, Hungarian and Czech national minorities, Model B – Czech national minority, Model C – Serbian national minority). The number of secondary school pupils in the period from 2007 and 2010 is shown in Tables 20.lj and 20.m in Appendix 2.

357. The project Children Together has been bringing together for several years now children attending about thirty schools conducting classes in the language and script of national minorities with the aim of promoting the spirit of healthy competition in a friendly environment and creating an atmosphere of mutual trust and friendship among children and youth in a multinational environment. In 2009, children and youth from 32 primary and 7 secondary schools from Vukovar-Srijem and Osijek-Baranja Counties could participate in the project with their visual art and literary works and the jury chose the best works (funded to the amount of 75,000.00 HRK). Co-funding of education programmes for national minorities in 2008 and 2009 is shown in Table 20.o in Appendix 2).

Roma national minority

358. Table 20.p in Appendix 2 shows the number of members of the Roma national minority included in the educational system.

359. Although pre-school education is not compulsory, the increase in the number of children included in pre-school education and playschools is a prerequisite for successful integration into primary education and results in more Roma minority pupils enrolled in primary schools (Table 20.r in Appendix 2). Playschool programme is co-funded in one kindergarten, five primary schools and one Roma association; school in nature programme for the Roma national minority children in three primary schools as well as the summer school programme carried out by two associations. The analysis of the past data indicates that the number of Roma national minority children included in pre-school education has not changed over the last four years with respect to the total number of children, but there are more and more children attending regular pre-school 10-hour programmes, which is the confirmation of efforts to fully integrate Roma children.

360. Table 20.s in Appendix 2 shows that the number of Roma minority pupils in the primary educational system has been increasing continually since the school year 2002/2003. First-grade primary school Roma minority children in Međimurje County who do not speak Croatian are provided with an associate-assistant – member of the Roma national minority who speaks Croatian (to help the pupils with learning the Croatian language, following lectures, understanding teaching materials and fulfilling school obligations; they also monitor attendance and pupil's progress together with teachers and staff associates; a total of 23 associates-assistants were employed in 2008 (11 male and 12 female), for the purpose of which HRK 1,368,540.84 was spent). The new Act on Primary and Secondary School Education of 2008 provides for legal prerequisites for regulating the assistants' status in the sense of their employment under an employment contract.

361. The Education and Teacher Training Agency included in its in-service training catalogue programmes for Roma assistants and programmes regarding the work with Roma minority children. Classes for Roma children have been conducted in three primary music schools since 2007 (86-90 pupils). Two pupils of Roma national minority attending a music school in Bjelovar were awarded scholarships and one top-level sportsman was awarded a one-off payment. Dance school at a primary school in Rijeka was founded in 2008. It is attended by around 90 pupils of Roma minority of that primary school. In the school year 2007/2008, 183 pupils (79 female) of Roma minority attended the extended day programme

whereas in the school year 2006/2007, 349 pupils attended the extended day programme owing to the REF project (*Roma Education Fund*) funds.

362. More and more Roma minority pupils attend secondary education every year, especially three-year secondary schools (Table 20.t in Appendix 2). The measures to create preconditions for motivating Roma pupils to enter and finish secondary education include awarding scholarships to all Roma minority pupils attending secondary schools, successive introduction of free textbooks and free transportation, free accommodation in pupils' hostels, providing scholarships in case of dropping out of regular education and entering adult education as well as providing funds for re-training. All members of Roma national minority are ensured enrolment in a particular programme even with less than 10% of the necessary enrolment points. Secondary school pupils are awarded scholarships to the amount of 500.00 HRK every month paid to the pupils' giro accounts, which also motivates pupils to attend school (Table 20.u in Appendix 2). Table 20.v in Appendix 2 shows the number of pupils who used free accommodation in pupils' hostels.

363. Number of Roma minority members taught how to read and write (adult education): 515 learners (368 male and 147 female) were taught how to read and write from 1st September 2007 till 31st December 2008. Number of trained Roma minority members (informal forms of education): 22 learners (16 male and 6 female) were trained from 1st September 2007 till 31st December 2008.

364. Projects and research in this field are listed as follows:

- The project *A More Accessible and Quality Education for the Roma in the Republic of Croatia* (REF) was launched in 2006 with the term till 2008, but was prolonged till 2010. Under the REF project the following are co-funded for Roma minority children: a) quality and integrated pre-school education and playschool programme; b) extended day programme in schools; c) activities to promote integration of the Roma national minority children into the educational system;
- PHARE Project 2005 – education component: *Improving Access to Education and Employment for the Members of Roma National Minority in the Republic of Croatia* (2008-2009) includes: a) support to assistant training programme; b) seminars for assistants who will work with parents; c) training of the representatives of management institutions in the educational system and at the level of competent state and local governments; d) creating a positive image of the Roma national minority by providing information on successful examples and achievements of the member of the Roma national minority. Three assistant training seminars have been held, 30-lecture hour training, two-months practical training in school with a mentor and computer seminar. Handbook for the support to Roma assistants working in schools;
- The project *Equalizing Educational Possibilities through the Programme of Preparation of Roma Children for School* intended for pre-school Roma children and parents in Kuršanec was implemented in Međimurje County (2004 – HRK 90,000.00, and 2005 – HRK 18,720.00);
- Three Roma associations were co-funded under the call for applications for financial support to projects and/or programmes proposed by associations in the area of extra-institutional education of children and youth in the school year 2008/2009 (5 programmes/projects) (Table 20.z in Appendix 2);
- The Association of Roma Women *Better Future* from Zagreb has conducted a survey entitled *The Life of Roma Women in the Republic of Croatia With Emphasis on the Access to Education* in five counties and the City of Zagreb with the aim of determining the social status and education of Roma women in

the Republic of Croatia. This project was co-funded by the Roma Education Fund in the framework of the Decade of Roma Inclusion 2005-2015 to the amount of EUR 40,000 and by the Office for National Minorities of the Republic of Croatia (hereinafter: Office for National Minorities) to the amount HRK 20,000.

Education for human rights

365. Every year on 10th December, the Office for Human Rights celebrates the International Human Rights Day by occasional activities and events, such as visual art and literary work competitions for primary and secondary school pupils on the subject of human rights – for example, *Stereotypes in My Community, Rights Imply Responsibilities*.

366. County coordinating bodies for human rights have conducted various activities, such as the organisation of a forum entitled *The Rights of Children of Persons Deprived of Their Liberty*, celebrating the International Human Rights Day in primary and secondary schools, conducting a workshop entitled *Professional Strengthening of Schools*, adopting a Programme of Exercise of Human Rights That Fall Within the Sphere of Education in Istria County, bilingual edition of the Universal Declaration of Human Rights (Croatian/Italian), humanitarian action *Children of Zadar for the Children of Vukovar*.

367. European standards (Council of Europe and European Union) are applied in the field of education for human rights, with the Republic of Croatia gradually building its own system. As previously reported, the ***National Programme of Education for Human Rights***, adopted as early as 1999, applies to all levels of education and may be implemented through all subjects as an elective subject, through extracurricular activities and projects. However, in order to implement it systematically across all levels of education, from pre-school to adult education, it was necessary to create prerequisites – structural, legal, curricular and implementation measures conducted jointly by teachers, pupils and parents. At the moment, the Programme is being partially implemented in primary schools whereas in secondary schools it is integrated into the subject Politics and the Economy. Numerous other national programmes have been adopted to be implemented through education for human rights and democratic citizenship.

368. The adoption of the ***National Pre-School and General Compulsory Primary and Secondary School Framework Curriculum from 2008 till 2010*** was a new step towards the integration of civic education into the existing subjects and adding it as a separate school subject in senior grades of primary school. Civic education has thus become a cross-curricular topic in the educational system and one of the eight key competences from the European Competency Framework. For the purpose of its implementation and integration of other programmes in this area (development of democracy, rule of law) the Education and Teacher Training Agency in cooperation with county heads of professional councils for democratic citizenship and experts from higher education institutions and research institutes develops numerous practical modules (curriculum with 15 to 32 hours, competencies, evaluation of pupils' results as well as pupil and teacher self-evaluation, etc.). So far, different modules in the area of rule of law, humane values, humanitarian law, school mediation, voluntary work and gender equality.

369. In 2009, the Education and Teacher Training Agency developed a two-year in-service training programme that includes – 32 county *heads of professional councils for democratic citizenship* in schools trained to become educators according to the developed modules have been appointed.

370. Every year, there are school, county and national project exhibitions in the areas of democratic citizenship and human rights as well as simulated court cases in cooperation with the judicial system. In 2009, some 30 pre-school education projects (550 children),

around 20 grade-school projects (650 pupils), around 20 projects in 5th to 8th grades primary school (600 pupils) and some 30 secondary school and pupils' hostel projects (900 pupils) were carried out. On average, some 20 pre-school education teachers, 120 primary and secondary school pupils, 20 judges – prominent public figures and scientists and 18 members of the National Commission for the Exhibition Implementation take part in the national exhibition every year. In addition, the Education and Teacher Training Agency in cooperation with the Croatian Red Cross organises a competition in the area of humane values and research of humanitarian law (3 600 pupils). A total of 6,460 pupils take part in the exhibitions and competitions in the area of human rights and democratic citizenship every year.

371. In the course of 2006 and 2007, a project entitled *Education for Development* was carried out with the aim of promoting better understanding of the living conditions of children around the world – 200,000 free copies of the brochure *A Life Like Mine – How Children Live Around the World* were printed (about the rights of children through stories about the lives of children around the world in a child-friendly language) and distributed in primary schools, kindergartens and children's libraries.

372. The education of children about children's rights is one of the *National Programme of Protection and Promotion of Human Rights from 2008 till 2011*.

373. Also, with the aim of detailed monitoring of the efficiency of all national programmes, strategies and plans concerning the education for human rights and democratic citizenship, a *National Committee for the Education for Human Rights and Democratic Citizenship* (2010) promoting education for human rights and democratic citizenship at all levels of the educational system and in all forms (formal, informal) was established.

B. Aims of education with reference to quality of education (art. 29)

Recommendation No. 58 (h)

374. The *Act on Primary and Secondary School Education* (2008) sets forth objectives and principles of school education, according to which pupils are educated pursuant to general cultural and civilization values, human rights and children's rights and trained for living in a multicultural world, respecting difference and tolerance as well as active and responsible participation in the democratic development of society. Pupils must be trained for life-long learning. Pursuant to this Act, pupils' rights previously stated in the respective areas have been expanded, of which we single out the following: the right to participation in the work of pupils' councils and the development and implementation of the school rules, the right to propose improvements of the process of education. Pursuant to the principles of primary and secondary education, the education in primary and secondary schools is based on equal education opportunities for all pupils in accordance with their abilities as well as on high-quality education and training of all direct bearers of education: teachers, staff associates, principles and other employees. It is worth mentioning that the *National Pre-School and General Compulsory Primary and Secondary School Framework Curriculum* also defines basic values of education, educational objectives, principles and objectives of education areas, evaluation of pupils' results as well as the evaluation and self-evaluation of implementation of the national curriculum.

C. Rest, play, leisure, recreation, cultural and artistic activities (art. 31)

375. The right of a child to full participation in the cultural and artistic activities is exercised and promoted in a variety of ways, of which we single out the continued encouragement and support to projects promoting creative and artistic abilities of a child. Thus, in the reporting period, cooperation was realised with associations, theatres and other institutions and they were given financial support for the implementation of various programme activities – music, music-and-performing arts, dance arts, dramatic, audiovisual and fine arts. There is a large number of children's and puppet theatres: 9 institutions, 12 artistic organisations, 7 theatres which in addition to professional productions have studios for children and youth or productions for children and youth, and 3 theatres which in addition to the productions for adults have productions for youth. In the area of fine arts and the new media culture we single out the annual Winter Fine Art Colony (ZILIK) that traditionally brings together a large number of artist, children from the home *Vladimir Nazor Karlovac* and primary schools in Karlovac County and the City of Karlovac. Around 2,000 works of art have been created over a period of thirty years.

376. The activities of the Winter Fine Art Colony continue throughout the year by monthly presentations of the works of art at the ZILIK Gallery and other numerous workshops. Many projects, chosen for funding in project calls and proposed by cultural institutions and organisations, are supported as a part of the international cultural cooperation and within the framework of international cultural events. They involve children and youth, such as the Croatian Centre ASSITEJ – Association of the Croatian Professional Children and Youth Theatres, under whose auspices the International Epicentre Theatre Festival for Children and Youth in Central and Southeast Europe (EPIFEST) is held. In addition, support is provided for guest performances of puppet theatres and children's theatres within the national and international cultural projects as well as within the international cultural exchange programmes and competitions (Croatian Music Youth, Mediterranean Youth Orchestra). The amounts of funding approved for the above-mentioned projects is shown in Table 2 in Appendix 2.

377. The development of audiovisual activities is also stimulated and promoted. The *Croatian Audiovisual Centre* (2007) was established for the purpose of systematic promotion of audiovisual works. The Centre also implements the National Programme of Promotion of Audiovisual Works and allocates funds to carry out audiovisual activities (development, production, promotion, distribution and presentation of audiovisual works: feature films and documentaries, animated films and experimental films) and complementary activities (Tables 2.a-2.c in Appendix 2).

378. Annual funds are allocated for the activities of civil society organisations in this area as follows: programmes and projects concerning the organisation of quality leisure-time activities for children and youth, children with developmental difficulties and disabled youth as well as projects concerning youth clubs and regional youth information centres; extra-institutional education of children and youth; projects and programmes concerning recreation, preservation of environment and cultural heritage (a total of HRK 51,340,708.34 spent in the reporting period); celebrating important primary and secondary school anniversaries and one-off and long-term programmes. Furthermore, in the period from 2005 till 2009, summer and winter holiday sports programmes entitled *Open School* were co-funded to the amount of HRK 7,020,941.00 and more than 100,000 male and female pupils participated in sports competitions, educational and entertaining activities with the aim to promote a healthy way of life, develop positive values and prevent all forms of addiction and deviant behaviour. The Croatian School Sports Federation organises a Universal Sports School with the aim of equal inclusion of children into organised physical activities in schools and making sports a regular daily habit (14,500 pupils attended and a total of HRK 5,445,966.00 was spent from 2007 till 2010).

379. Gifted children are given special attention and all forms of work with this population of children are financially supported (Table 20.w in Appendix 2). We single out the following: *Višnjan – Summer School of Science* – workshop for secondary school pupils with the aim of introducing the participants to science topics and practical work; *Small Glagolitic Academy "Juri Žakan" Roč* (since 1993) – every year brings together 6th grade primary school pupils interested in studying Glagolitic alphabet; *Novigrad Spring* (since 1997) – school of creativity for gifted children in the areas of art and language (mentor-led workshops); a project entitled *The Most Beautiful School Gardens* – carried out annually; *Public-Speaking School* – intended for the best secondary school pupils and held two times a year with the aim of developing public-speaking skills; *The Croatian Society of Music and Dance Pedagogues* – lectures, seminars for teachers, students and pupils as well as an in-service training of teachers in the Centre of Excellence; *The Croatian Children's Festival Zagreb* – a combination of music, pictures and words in pupils' creative works (pupils' visual-art and literary works) and creative works for children by authors of children's songs performed at the Festival that brings together more than a thousand children; The Olympiads: mathematics, informatics, chemistry, physics, astronomy, forestry, biology and the gifted, summer schools: biologists, physicists; ACSL (*American Computer Science League*) – American Computer Science League competition, a competition for secondary school teams in the United States, Canada and Europe (the Republic of Croatia is represented by the pupils from the First Grammar School from Varaždin).

380. The *International Children's Festival* in Šibenik, the world's unique and renowned cultural event, has been organised and held for more than 50 years (since 1958) with the aim of improving the aesthetic education of children and youth and developing all artistic forms of children's creativity. Owing to those creative and performing dimensions, the Festival stimulates a lot of ideas in various forms of art for children and children's creativity: drama, puppetry, music and stage performances, film, literary and visual-art works. The above-mentioned is realised through three basic activities: annual festival of the chosen Croatian and foreign ensembles (for children), workshops as a form of children's direct participation in the creation of art (children's creative works and educative training) and symposium on artistic creativity and aesthetic education of children (professional and scientific aspect). Around 360 different programmes from some 20 countries involving around 1,400 participants – performers and around 800 children participating in workshops are carried out throughout 15 festival days. Festival is supported by the bodies of state and local administration and other key participants in the society. In the period from 2004 till 2010, the financial support at the national and local levels amounted to a total of HRK 9,320,000.00, with the amount of financial support as well as the number of visitors and programmes offered increasing every year.

381. The project *Bus "The Elm Chanted Forest"* (since 2005) was created with the aim of providing new quality leisure activities for children from rural areas, areas of special state concern and areas with a large number of children. Project activities for pre-school and school children (ages 3 to 14) provide for the development of creative skills and children's own abilities as well as for the possibility to exercise the right to leisure and play. The project is intended to stimulate the units of local and regional government to establish pre-school programmes and create quality leisure activities for primary school pupils. Through play and workshops (creative, music, visual-art, literary and computer workshops) of the project *Bus "The Elm Chanted Forest"*, led by professionals (since 2010 the family centre), children develop their social skills in a friendly atmosphere. The bus is adapted to children and equipped with various materials for all age groups, computers children learn how to use through play, didactic toys and board games. Kindergarten and school teachers are provided the opportunity to evaluate the programme quality and its positive impact on children as well as to express satisfaction with the programme. For several years now, kindergarten and school teachers as well as principals and representatives of the units of

local government have rated the programme as very good and are of the opinion that it has a positive impact on the socialization of children. Till 2010, the programme was carried out in 17 counties and the City of Zagreb, with more than 40,000 children participating in over 500 towns.

382. In addition, the *Union of Societies "Our Children"* has been organizing for years now the Children's Week, Day of Play, Family Day, Children's Joy Day in December, Festival of Children's Creativity, Children's Messages to Adults, Children's Visits to the Mayor, The Joys of Winter, Mask Parade, Hello Spring, Friend to Friend, Pavement Drawing, Scooter Pushing, Merry Saturday, Toy Workshop, Our guest Today, Leisure minutes, etc. The above-mentioned activities are carried out by around 4,000 members – volunteers in 102 basic Societies "Our Children" in 102 towns and municipalities, with their number gradually increasing.

383. Social welfare institutions recognize the importance of children's creativity, so apart from satisfying children's basic needs, they provide for different forms of leisure activities (computer workshops, sports, drama and visual-art workshops, etc.) within as well as outside the institution. In addition, there are summer holidays, winter holidays, sports and drama activities, visual-art groups, field trips, concerts, matches, etc.

VIII. Special protection measures

A. Children in emergency situations

1. Unaccompanied children/refugees (art. 22)

Recommendations Nos. 59, 60, 61, 62 and 63

384. *Protocol on Separated Children – Foreign Citizens* (2009) was adopted for the purpose of timely and efficient protection of their rights and interests until the return to their countries of origin. The Protocol obliges competent bodies to cooperate in gathering data on children's identity, manners and reasons of arrival to the Republic of Croatia, final destination and other relevant data to determine whether a child is a victim of a criminal offence and provide adequate aid and protection. Such child is given a special guardian.

385. A feasibility study for the construction of a unit (facility) for the accommodation of children in the Reception Centre for Foreigners in Ježevo was developed within the framework of the PHARE 2005 Project, PPF *Support to the Ministry of the Interior in the Preparation of Project Documentation/Bidding Documents for Transit Centres for the Reception of Foreigners*, implemented in the course of 2008 and 2009. Time limit for the construction of this facility is 2012.

386. Tables 12.b-12.g concern police treatment of juvenile foreigners in cases of illegal border crossing in the period from 1st January 2004 till 31st December 2009.

387. Papers and studies of the Ombudsman for Children's Office entitled *Unaccompanied Children* (2008) contain a questionnaire *Children Separated from Parents* which provides for a systematic monitoring of this phenomenon.

Asylum seekers

388. Under the *Asylum Act* of 2007 juveniles, together with some other groups of people, belong to a vulnerable group of asylum seekers and foreigners under subsidiary protection, which means they are entitled to more rights than other categories of persons and individual

needs of each juvenile are taken into account in the event of exercising those legally granted rights.

389. The competent social welfare authority assigns a guardian to each unaccompanied juvenile seeking asylum or unaccompanied juvenile who was granted asylum. In addition, measures are taken to find his/her parents. Request for asylum submitted by an unaccompanied juvenile is decided upon in the shortest time possible.

390. Juvenile asylum seekers have the right to primary and secondary education under equal conditions as Croatian citizens and it shall be provided within three months from the day of submitting the request for asylum or within a period of one year if the school's professional team has determined, individually for each asylum seeker, that he/she does not have sufficient knowledge of the Croatian language to attend regular classes. An asylum seeker or a foreigner under subsidiary protection have the right to primary, secondary and higher education under equal conditions as Croatian citizens. An asylum seeker has the right to health care, which includes emergency health care assistance and much-needed treatment, whereas the victims of torture, rape or other severe forms of violence as well as those with specific needs shall be provided the necessary treatment. All asylum seekers and foreigners under subsidiary protection have the right to the same scope of health care as Croatian citizens.

391. Juvenile asylum seekers are provided accommodation together with their parents or, in case of unaccompanied juveniles, in the facilities of the Reception Centre for Asylum Seekers, adequate for juveniles. Under the *Accommodation Regulation*, when accommodating juvenile asylum seekers accompanied by their parents or a legal guardian, attention will be paid to preserving the family unity (a juvenile, unaccompanied juvenile, child or young adult with behavioural disorders may be provided accommodation in a social welfare home or a foster family). The reception centre for asylum seekers is situated in Kutina. It is a minimum-security facility providing high standard accommodation (each room has a toilet, there is a sports hall, gym, playroom for children lead by social workers, TV room, room for religious services, creative workshop, football and basketball playground, room for the work of non-governmental organisations, laundry and ironing room, infirmary with a full-time professional nurse, a part-time doctor present as necessary and an ambulance, asylum seekers' religious and cultural customs are taken into consideration when preparing meals – three meals). Social welfare programme is adapted to the structure of asylum seekers placed in the Reception centre (single male asylum seekers are placed on the ground floor, whereas vulnerable groups and families are placed on the first floor).

392. The request for asylum for an accompanied juvenile is submitted by one of the parents and the well-founded nature of the request will be examined on the basis of statements and evidence provided by the parents. A juvenile over 16 years of age, accompanied by parents, may submit the request for asylum by himself/herself. It is prescribed by the Act that an offence considered to be an offence of persecution may also be any offence that is, by its nature, related to gender or children. When deciding upon granting protection, it must be taken into consideration whether an offence was committed against a child, since some offences when committed against an adult are not considered offences of persecution, whereas they are considered offences of persecution when committed against a child. Under certain circumstances request for asylum may be examined in an accelerated asylum procedure. However, if the request for asylum was submitted by an unaccompanied juvenile accelerated asylum procedure is not applied, unless a positive decision is expected based on the evidence provided. When questioning a juvenile his/her mental development is taken into consideration and the questioning and language are adapted to the age of a juvenile.

393. Statistical data on asylum seekers regard data from 1st July 2004 (the Asylum Act adopted) till 1st January 2010 (Tables 12 and 12.a).

Subsidiary protection of juveniles/protection of other categories of foreigners

394. The *Asylum Act* of 2007 prescribes subsidiary protection which has, under the amendments of 2010, been additionally harmonised with the EU legislation. Subsidiary protection, for both adults and juveniles, is granted in case there are justified reasons indicating that a foreigner, should he return to his country of origin, will face the risk of serious injustice and thus is not able to receive or does not wish to be under the protection of such a country. Serious injustice means the threat of death sentence or execution, torture, inhuman or degrading treatment or punishment as well as serious and individual threat to life due to violence in situations of international or internal armed conflicts.

395. The *Act on Foreigners* provides for the possibility of granting temporary residence for humanitarian reasons to, among others, a foreigner who has, as a victim of human trafficking, accepted the aid and protection programme, or to a juvenile who has been abandoned or is a victim of organised crime or is for other reasons without parental care, guardianship or unaccompanied. A foreigner who has been granted temporary residence for humanitarian reasons does not need to meet general conditions for granting temporary residence (means of support, accommodation, health insurance) but must not present a threat to the public order, national security and public health.

396. A foreigner determined to be a victim has the right to decide about his/her participation in the aid and protection programme within a period of 60 days, and the guardian of a juvenile determined to be a victim has the right, upon approval by a social welfare centre, to decide about his/her participation in the aid and protection programme within a period of 90 days, taking into account the best interests of the child and the juvenile's opinion. Under the Act on Foreigners, all bodies participating in the aid and protection programme for juvenile victims are obligated to take into consideration the best interests of a child. A guardian will be assigned to a juvenile victim by a competent social welfare institution. A human trafficking victim who was granted temporary residence has the right to a safe accommodation, health care, pecuniary aid, education and work.

397. Under the provisions of the Act on Foreigners a juvenile foreigner may be placed at the Reception Centre for Foreigners together with his/her parents or other legal representative, unless assessed that other accommodation would be more favourable. Strict police supervision, as a special restraint measure within the Centre facilities, may be imposed on a juvenile as well, but only together with a parent or legal representative. In case there are serious indications of a foreigner being under legal age, age testing may be conducted.

398. *Protocol on Procedures Regarding Voluntary Return of Human Trafficking Victims* (2009) especially elaborates the procedures regarding children - human trafficking victims. Juvenile human trafficking victims will not be returned to any country if a danger and safety assessment indicates that such return would not be in the best interest of a juvenile.

399. Under the Act on Foreigners it is prohibited to expel a juvenile foreigner if it is contrary to the Convention for the Protection of Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

400. Under the *Asylum Act* a refugee is a foreigner who has fled his/her country of citizenship and due to a well-founded fear of persecution on the grounds of race, religion, affiliation to particular social group or political belief may not be or does not wish to be under the protection of that country, or a person without citizenship outside the country of

his/her usual residence, who due to a well-founded fear may not or does not wish to return to that country.⁵

Displaced persons, refugees and returnees

401. The *Act on the Status of Displaced Persons and Refugees* of 1993 (amended in 1995 and 1999) regulates the status of displaced persons, refugees and returnees (number of displaced, refugee and returnee children in the reporting period – Table 21 in Appendix 2). Under the Act, displaced school children are provided with free textbooks and accessories, free transportation to school (for students as well), meals and adequate rating when applying for accommodation in pupils' and student hostels. Children educated outside the place where they reside with their parents are provided with free accommodation in pupils' and student hostels, transportation to school and textbooks. In order to obtain the above-mentioned benefits a claim had to be submitted.

402. Pursuant to the *Act on the Areas of Special State Concern* (2008) senior secondary school students residing in the areas of special state concern were granted free transportation over the subsequent two school years (Table 21.a in Appendix 2). For more information see section *Standard of living*. Considering the influence of war circumstances on the exercise of children's rights, a short review of the dynamics of addressing the issue of return is given. The *Act on the Temporary Takeover and Management of Particular Property* of 1995 (amended in 1996 and 1997 and in effect until 1998), adopted due to war circumstances, regulated the stated issues and the property of persons who left the Republic of Croatia in the summer of 1995 was temporarily allocated to other persons, mainly refugees and returnees, for the purpose of providing them with accommodation (estimates: 16,000 to 20,000 buildings). When this Act ceased to be valid, the *Programme of Return and Provision for Displaced Persons and Refugees* as well as special agreements started to be applied to address these issues. At the same time started the organised return of refugees from Bosnia and Herzegovina and Serbia and Montenegro as well as the process of the restitution of property and provision of permanent housing. Subsequent amendments to the Act on the Areas of Special State Concern of 2000 provided for the return of property to owners within a period of 6 months from the day of submitting the claim.

403. A comprehensive reform of the restitution of property started in 2001. *The Action Plan for the Restitution of Property* was adopted as well as the *amendments to the Act on the Areas of Special State Concern* of 2000. The Ministry of Regional Development, Forestry and Water Management took over the entire process of the restitution of property – took over all cases from the Housing Commission and paid compensation for the damage incurred. Great efforts have been taken to overcome problems and finish the process of

⁵ Under the same Law, asylum seekers are refugees meeting the conditions as set forth in Article 4. The definition of a refugee or asylum seeker has completely been harmonized with the definition from Article 1A of the Convention Relating to the Status of Refugees (1951), whereas the Law on the Status of Displaced Persons and Refugees prescribes that the status of a displaced person or a refugee shall be granted to a person who, individually or as organized by a municipal civil defense headquarters, the Croatian Red Cross, social welfare centre, etc., and on the basis of the assessment by a body of the Ministry of the Interior or a competent command of the Croatian Army, fled his/her place of residence in the war-affected area on the territory of the Republic of Croatia in order to escape aggression and armed conflicts presenting an immediate threat to life. Persons granted the status of a refugee pursuant to the Law on the Status of Displaced Persons and Refugees are not granted the status pursuant to the Asylum Law or the former Law on the Movement and Residence of Foreigners, and are not considered refugees as defined by the Convention Relating to the Status of Refugees of 1951.

property restitution. There are still 19 property restitution cases and they have been passed on to state Attorney's offices for the purpose of taking legal action for eviction.

2. Children in armed conflicts, including physical and psychological recovery and social reintegration (arts. 38 and 39)

Recommendations Nos. 64 and 65 (a) to (e)

404. Pursuant to the Act on Defence a *Decision on the Suspension of Conscription to Compulsory Military Service* was adopted and as of 1st January 2008 men are not conscripted to compulsory military service. Instead, voluntary military service was introduced. Pursuant to the amendments to the Act on Defence of 2007 men who do not volunteer for military service are only subject to draft registration at the draft board and not to all obligations set forth in the Act on Defence. Upon the adoption of the Decision on the Suspension of Conscription to Compulsory Military Service and pursuant to the amendments to the Act on Defence, the provisions of the Act on Community Service are also not applied. A person under the age of 18 is not subject to compulsory military service and may not join the Armed Forces or take part in armed conflicts.

405. Pursuant to the *Amendments to the Penal Code* of 2004 it is prohibited to conscript children under the age of 18 into the national armed forces or for children to actively take part in hostilities. A working group has been established to draft a proposal for the new Penal Code. It will take into consideration the recommendation of the Committee Nos. 6 and 7 concerning the Initial Report on the Implementation of Optional Protocol to the Convention regarding the recruitment of children in armed conflicts for the purpose of harmonisation of the Croatian legislation in the area of protection of children's rights with the UN documents.

406. Since the aggression on the Republic of Croatia, alongside the enormous material devastation, caused war veterans, members of their families and other citizens to suffer incalculable consequences, such as health problems, emotional suffering, loss of a close person, etc., a system of provision for Homeland War veterans and victims has been developed and is being continually improved. To this effect war veterans and victims have been provided protection as regulated by the *Act on the Protection of the Military and Civilian War Disabled*. This Act also regulates the rights of children affected by illness or those who lost one or both parents in the Homeland War.

407. Pursuant to the above-mentioned Act, children are granted rights on the grounds of: bodily injuries (personal disability benefit, allowance for care and assistance rendered by another person, orthopaedic allowance), loss of a family member (family disability benefit) and their material and other needs (living costs allowance, allowance for home assistance, special allowance, right to free textbooks, priority enrolment at educational institutions, scholarships, priority accommodation in pupils' and student hostels, priority employment). Pursuant to the above-mentioned Act, on average, 3,000 civilian war victims exercise those rights every year, or some 350 children (children under the age of 18 or until the end of regular education).

408. A temporary list of children killed in the Homeland War containing the following data on 323 children has been made: name and surname of a child, name of one of the parents, day, month and year of birth of a child, his place of residence, county, day, month and year of death and how they were killed. The identity of 23 children/persons nor how they were killed has still not been established. The list is temporary because the data regarding some children/persons are still incomplete and their identity has not yet been established. A total of 1,267 children were wounded in the Homeland War, 5,053 children lost one of their parents, 111 lost both parents and 365 children are missing. In the period from 2004 till 2010, on average, 220 children exercised their right to free textbooks, or the

right to reimbursement for textbook expenses every year, which makes around 1,540 children, for the purpose of which HRK 1,745,000.00 was spent. Every year, on average, HRK 450,000.00 was spent for other rights exercised by 300 beneficiaries (personal disability benefit, living costs allowance and other), which amounted to a total of HRK 3,150,000.00.

409. The right to free textbooks (Act on the Amendments to the Act on the Protection of the Military and Civilian War Disabled) is granted to the children of the killed, deceased or missing veterans, children of peacetime, military and civilian war-disabled and children – the civilian war-disabled, under the conditions as set forth in the above-mentioned Act for the purpose of regular education in primary and secondary schools if their regular monthly income per household member is not higher than the double amount of the determined money income (HRK 997.80). Twenty-five children of the killed, deceased or missing veterans under the conditions as set forth in the above-mentioned Act, who were not granted the living costs allowance and whose regular monthly income per household member is nor higher than the double amount of the determined money income (HRK 997.80) receive a special allowance amounting to HRK 332.00 each month during primary and secondary education. Thus, around HRK 690,000.00 was paid in the reporting period. Those children are granted priority accommodation in pupils' and student hostels as well as the right to scholarships during regular education at institutions of higher learning.

410. Children of the killed, deceased or missing persons and children – the civilian war-disabled are granted direct enrolment into secondary schools and institutions of higher learning, under the condition they achieve a minimum test score, or pass the ability and talent test in secondary schools administering entrance examinations, as well as priority employment under equal conditions in the bodies of state administration, judiciary, local and regional government and state-owned or majority state-owned legal persons. One time cash assistance amounting to HRK 4,400.00 was paid to each of 124 war-disabled children who were granted this right under the Act on the Protection of the Military and Civilian War-Disabled, which makes a total of HRK 545,600.00. Every year, the Union of the Associations of Croatian Civil Victims of the Croatian Homeland War organises days-long sports activities and workshops for children – war victims.

411. Pursuant to the Act on the Rights of the Croatian Homeland War Veterans and Members of Their Families (in effect since 2005), professional and legal aid for Croatian Homeland War veterans has been continued. It is now also provided by regional units in counties and the City of Zagreb to provide present and future beneficiaries with faster and easier access to information about the manner of exercising certain rights. Implementing regulations, adopted pursuant to the Act, acknowledge the previously regulated rights and regulate new rights for beneficiaries – children of the killed, missing or detained Croatian Homeland War veterans, children of the Croatian disabled war veterans and children of the volunteers of the Croatian Homeland War, in order to improve their material status and provide better education conditions.

412. Children of the killed, missing or detained Croatian Homeland War veterans are entitled to permanent rights on the grounds of loss of a family member (family disability benefit, reimbursement amounting to the family disability benefit, family pension, reimbursement amounting to the family pension during the period of regular education and up to 12 months upon finishing education, or till the day of employment within that period) and one-off benefits (right to free textbooks, right to scholarship, right to housing, right to health care). Children of the Croatian disabled war veterans and children of the volunteers of the Croatian Homeland War are also entitled to certain rights during education (right to free textbooks, right to scholarship).

413. There is a record of beneficiaries of rights as set forth in the above-mentioned Act (latest data – 7,288 children of the killed and detained or missing Croatian war veterans).

However, it is incomplete since not all children of the Croatian disabled war veterans are the beneficiaries of rights as set forth in that Act. A special record is kept (1991-2010) on children of the killed and detained or missing Croatian Homeland War veterans without both parents (184 children), or those who were assigned a guardian until they become legal adults because one of the parents is a killed, deceased, detained or missing Croatian war veteran, and the other was declared unfit for work, neglected to take care of the child or his/her residence is unknown (63 children). In 2010, there were 100 children without both parents who exercised permanent rights as set forth in the Act on the Rights of the Croatian Homeland War Veterans and Members of Their Families and 24 children without parental care. Under the Act on the Rights of the Croatian Homeland War Veterans and Members of Their Families children of the killed, detained or missing Croatian Homeland War veterans and children of the Croatian war disabled veterans are entitled to free textbooks for the purpose of regular or external education in primary schools, secondary schools and institutions of higher learning under the condition they are not entitled to this right under other regulations and their monthly income per household member is not higher than 60% of the budgetary base in the Republic of Croatia. **Regulations on the Allocation of Free Textbooks** of 2005 (amended in 2010) sets forth conditions and criteria for granting the right to free textbooks. In the period from 2004 till the end of 2009, under this Act, the right to free textbooks was granted to 71,776 children to the amount of HRK 72,930,911.34 (Table 22 in Appendix 2).

414. Under the Act on the Rights of the Croatian Homeland War Veterans and Members of Their Families children of the killed, detained or missing Croatian Homeland War veterans, Croatian war disabled veterans and children of the Croatian war disabled veterans, Croatian Homeland War veterans and children of the Croatian Homeland War veterans, volunteers and children of volunteers of the Croatian Homeland War are granted priority enrolment into educational institutions, under the condition they achieve a minimum test score. In the academic years 2005/2006 and 2006/2007, a total of 11,936 students exercised the right to direct enrolment into institutions of higher learning. In 2007, the Constitutional Court revoked the stated provision of the Act, which is why the **Decision on the Elements and Criteria for the Selection of Candidates for Enrolment into Secondary Schools** prescribing the specifics regarding the enrolment of children of the Croatian Homeland War veterans is adopted every school year. Thus, the right to direct enrolment into secondary schools, under the condition they achieve a minimum test score announced by schools in the announcements for enrolment and pass the ability and talent test in schools administering such examinations as a condition for enrolment is granted to children of the killed, detained or missing Croatian Homeland War veterans and children of 100% war disabled veterans in the first category. Candidates, including children of the Croatian Homeland War veterans, living in conditions that may affect their achievement in primary school are granted direct enrolment under the condition they achieve not more than 10% less points of the score achieved by the lowest-ranked candidate granted enrolment into a particular programme.

415. The **Agreement on Incentives for Enrolment Into Institutions of Higher Learning** (2007) regarding candidates who as a result of the severity of consequences caused by the war did not have equal access to higher education was also signed (children of the killed, detained or missing Croatian war veterans and children of 100% war disabled veterans in the first category). Pursuant to the Agreement, 9,062 students were enrolled in the academic years 2007/2008 and 2008/2009. The expenses of entrance exam preparation courses to the amount of HRK 2,000.00 were defrayed for each interested candidate belonging to the category of persons specified in the revoked provision of the Act on the Rights of the Croatian Homeland War Veterans and Members of Their Families in any institution of their own choice (children of the killed, detained or missing Croatian war veterans regardless of family income and others upon means testing). In the period from 2007 and 2010, the right

to reimbursement for expenses of preparation courses was granted to 526 secondary-school graduates to the total amount of HRK 930,196.22 (Table 22.a in Appendix 2).

416. The *Fund for the Provision of Scholarships for the Croatian Homeland War Veterans and Children of the Croatian Homeland War Veterans* was established in 2006 for the purpose of granting Croatian Homeland War veterans, children of the killed, detained or missing Croatian war veterans, Croatian war disabled veterans, children of the Croatian war disabled veterans, volunteers and children of volunteers of the Homeland War the right to scholarship during regular secondary education, regular university and professional study programmes as well as the right to reimbursement for a part of tuition expenses of postgraduate study programmes at institutions of higher education. Monthly scholarship allowance for secondary school pupils amounts to HRK 400.00, HRK 1,000.00 for students whereas the allowance for a part of the expenses of postgraduate study programmes amounts to HRK 7,000.00. From the school year 2006/2007 (first call for applications) till the school year 2009/2010 a total of 30,504 scholarships were awarded from the Fund for the Provision of Scholarships for the Croatian Homeland War Veterans and Children of the Croatian Homeland War Veterans (Table 22.b in Appendix 2).

417. Summer holiday programme for primary school children (aged 7 to 15) of low-income Croatian war veterans was carried out during summer holidays in co-operation with the City of Zagreb and the Association of Volunteers and Veterans of the Homeland War (2004-2008) (Table 22.c in Appendix 2).

418. The active implementation of the *National Programme of Psychosocial Assistance and Health Care for Veterans and Victims of the Homeland War* of 2005 continued in the reporting period. At operational level, the key objective of the programme was to provide continued psychosocial assistance and health care as a part of integral care for veterans and victims of the Homeland War on the entire territory of the Republic of Croatia, all members of their families and other citizens in the form and to a degree adequate to their needs. Different forms of psychosocial assistance and support were mainly organised in the living environment of users with visits of mobile professional teams to the home and family of the user. The programme is carried out on the entire territory of the Republic of Croatia, in 21 regional *Centres for Psychosocial Assistance*. Given the possible transfer of traumatic experiences from parents to their children, part-time and full-time associates provide organised psychosocial support to children of the killed veterans or veterans who suffered traumatic war experiences causing long-term health consequences and/or consequences hindering daily activities. Alongside legal counselling, social and psychological assistance, they also provide information on education of the Croatian war veterans and members of their families, organise workshops for children of the Croatian war veterans and children of civil war victims, creative workshops, vocational guidance as well as support in finding employment. In the period from 2004 till 2009, a total of 3,752 children's workshops were organised in the Centres for Psychosocial Assistance, with 10,684 children participating (Table 22.d in Appendix 2). As of 2009 children's workshops were gradually no longer organised in the above-mentioned centres but in family centres.

419. Taking into consideration the results of international research supporting the fact that war veterans and members of their families suffer from various mental and somatic diseases more often than the rest of the population, a *Programme for the Improvement of the Quality of Life in Families of the Killed War Veterans, Croatian War Disabled Veterans and War Veterans Suffering from PTSD* was adopted in 2007 for the period from 2008 till 2011 consisting of organised general health check-ups for four target groups: wives and children of the killed war veterans, wives of the 100% war disabled veterans in the first and second category and wives of veterans suffering from PTSD, and the analysis of the obtained research results with the aim of prevention and improvement of health and quality of life. The objective is to collect data on the most common diseases (mental and

physical) striking those target groups exposed to stressful experiences during and after the war as well as to explore deviations in the incidence of contracting diseases and deaths among target groups participating in the Programme and deviations relative to the rest of the population. A total of 4,205 persons had medical check-ups in the course of 2008 and 2009 (2008 – 3,040 persons and 2009 – 1,165 persons), of which 871 children of the killed, detained or missing Croatian Homeland War veterans (2008 – 588, 2009 – 283 children).

420. The approved and co-funded programmes include programmes and projects by homeland war associations aimed at children – sports competitions, forums, visual-art workshops, lectures on Homeland War in schools, horse riding rehabilitation, etc. carried out over a period of several years or on a one-off basis. Since 2004 a total of HRK 419,000.00 has been paid out to associations for the organisation of forums on children in mined areas. Also, since 2004, a total of HRK 350,000.00 has been paid for the organisation of a traditional event *In Memory of the Killed Children* (now entitled *In Memory of the Children Killed in the Homeland War Small Cross – Big Sacrifice*). Programmes of the Association of Juvenile Volunteers of the Homeland War are also supported, especially forums, round tables, sports competitions and meetings of the youngest Homeland War veterans as well as programmes of the Association of Children of the Killed, Detained or Missing Croatian Homeland War Veterans. In the period from 2004 till July 2010, a total of 80 programmes by Homeland War associations intended for children of the Croatian war veterans and children of civil victims of the Homeland War were financially supported to the amount of HRK 18,948,614.83. (Table 22.e in Appendix 2).

421. Pursuant to the *Act on Humanitarian Demining* of 2005 (amended in 2007 and 2008) and in coordination with the Croatian Mine Action Centre and in cooperation with state administration bodies and national and international organisations, in addition to the support programmes for war victims there are educational activities about the dangers of mines and assistance to the victims of mines. The stated programmes and projects are funded from domestic and foreign donations, state budget and budgets of the units of local and regional government. Since the establishment of the Croatian Mine Action Centre in 1998 till 2009 there were 217 mine incidents with a total of 296 victims; 110 persons were killed, 123 suffered serious physical injuries, while 64 suffered minor injuries. Of that number, 59 victims were deminers (22 killed), whereas 22 victims were under the age of 18 (5 killed). Joint educational activities, marking of mine fields and warnings stopped further incidents (last incident happened in 2004). It is a result of educational activities, priority demining and the removal of mine suspected areas away from settlements and other areas where safety is important, marking of mine suspected areas and creating a web portal accessible to all citizens in Croatia and abroad. In the period from 2004 till 2009 a total of HRK 7,086,849.00 was spent for carrying out educational programmes on the danger of mines and assistance to victims, primarily from various donations and funds.

422. Here are some of the educational activities about the danger from mines: celebrating the International Day for Mine Awareness – 4th April and April – Month of the Fight against Mines, construction of *Playgrounds for Children in Mine-Affected Areas*, a joint action with UNDP entitled *Less Weapons – Less Tragedies*, implementation of the project *Children for a Safer World* with the Regional Centre for Assistance and Elimination of Consequences of Disasters with the aim of teaching 1st grade primary school pupils about the dangers from mines, media campaign with the aim of educating and raising public awareness about the dangers from mines (for example, making animated movies with the aim of educating the youngest, broadcasting radio shows on the subject of anti-mine activities, making posters, jingles and videos on the subject), organisation of lectures and forums (for example, entitled *Children in Mined Areas; Beware, weapons and mines*), holding regular coordination meetings with associations carrying out educational activities and providing assistance to the victims of mines, theatre performances such as *No to Mines*,

Beware of Mines, A Dangerous Game, A Dangerous Adventure, performances of a popular children's character Bembo in counties organised by the association *Bembo and Friends*, concerts (for example, concert within the framework of the action entitled *A Square of Peace*, action *Cooking against Mines*), distribution of educational notebooks to all 1st grade pupils, organisation of an ecological action to collect waste paper with the aim of raising money for demining, exhibitions (for example, *Let's Demine Croatia* organised by students attending faculties of visual art and graphic design, exhibition *Beware of Mines* within the framework of the Festival of the First in 2006), distribution of picture books *Danger on Carrot's Hill, Beware of Mines and A Dangerous Game*, organisation of humanitarian actions (for example, humanitarian football match and action entitled *The Bracelets of Friendship* for the purpose of raising money for demining), printing of educational brochures and posters *Beware of Mines and Explosive Remnants of War* as well as other educational publications, etc.

423. In the period from 2004 till 2007, more than 236,700 children attended lectures and performances. Victims of mines are also provided complete health care in the health care and social welfare system (hospital treatment, medical rehabilitation, psychosocial assistance, orthopaedic aids) and are granted other rights. Assistance to the victims of mines is also provided by the non-governmental sector. It is mostly funded by international and domestic donors and includes: engaging the victims of mines to help enter data and draw polygons of mine suspected areas at the Croatian Mine Action Centre, carry out psychosocial rehabilitation, create, fill up and update *A Database on the Victims of Mines*, carry out the training of regional commissioners of the Croatian Association of the Victims of Mines and various one-off projects with the aim of providing financial support and education (donations for the children of victims, provision of scholarships and orthopaedic aids, legal, psychosocial and medical assistance, organisation of summer and winter workshops for children and youth – victims of mines, assistance to victims' families, etc.).

424. A brochure entitled *Possibilities and Rights* intended for disabled persons – victims of mines has been printed with the aim of informing the victims of mines and members of their families about their rights. It should be mentioned that a comprehensive marking was done in the course of 2004, and in 2005 and 2006 marking of the entire mine suspected area was maintained. In 2007, the Croatian Mine Action Centre revised the mine suspected areas and in cooperation with a large number of interviewed persons and area users changed data on mine suspected areas and carried out various educational and informational activities about the condition of mine suspected areas. The maintenance of marking of mine suspected areas was continued in the reporting period.

425. Pursuant to the UN Convention against Transnational Organised Crime, Protocol to the Convention and Council of Europe Convention on Action against Trafficking in Human Beings, the involvement of children in armed conflicts is equalized to a slavery like relationship, which is penalized under the Penal Code in the Republic of Croatia. The Police educated its employees about the prevention of involvement of children in armed conflicts as well as regular professional soldiers going on peacekeeping missions. The training of high-ranking officers of the Croatian Army, who would disseminate the acquired knowledge, has also been carried out. Training included institutional and legislative frameworks regarding the national strategy for the prevention of human trafficking in the Republic of Croatia, the role of police in identifying human trafficking victims, launching the provision of assistance and protection as well as taking legal action against the perpetrators of criminal offences. Training regarding the *Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict* is compulsory for all members of the Armed Forces and civilian employees who are candidates to go on international peacekeeping missions.

426. Employees working with asylum seekers and refugees submitting requests for asylum, as well as decision makers, are trained to interview juveniles and traumatized persons in order to determine the reasons of leaving their countries of origin as early as possible. Employees are trained to identify juveniles' needs and to assess whether they were recruited or used in armed conflicts in their countries of origin. Training was carried out within the framework of *CARDS Project Reform of Asylum II*. When implementing the provisions of the Asylum Act best interest of juveniles is taken into consideration and all necessary actions are taken in order to provide a juvenile with adequate accommodation, health care and psychosocial assistance in the process of inclusion into the community. In the period from 2004 till 2010 there were no registered cases of the recruitment of children under the age of 18 into the national armed forces, their involvement in hostilities, or cases of human trafficking that may be linked to children's potential involvement in armed conflicts.

B. Children in conflict with the law, victims and witnesses⁶

1. Administration of juvenile justice (art. 40)

Recommendations Nos. 68 and 69 (a) to (d)

427. Each person under the age of 14 is considered a child and does not bear criminal responsibility, whereas persons who have turned 14, but have not turned 18 yet are considered juveniles. Children and juveniles are subject to special regulation – the *Act on Juvenile Courts*. Only re-education measures may be imposed on young juveniles aged 14 to 16, whereas, in addition to re-education measures, juvenile imprisonment may be imposed on older juveniles aged 16 to 18. Detention may be imposed on a person under the age of 18 only if he/she has turned 14 (Tables 25, 25.a-25.h in Appendix 2).

428. Acknowledging the Recommendation of the Committee No. 68, the Ministry of Justice is prepared to accept UNICEF's technical assistance in the form of counselling and recommendations, or in any other adequate manner with the aim of drawing up a quality Draft Proposal for the *Act on the Amendments to the Act on Juvenile Courts*. Different manners of achieving technical cooperation between UNICEF and the Ministry of the Interior regarding police training in the area of juvenile justice are presently being considered.

429. The *Act on Misdemeanours* of 2007 prescribes that a child bears no responsibility for misdemeanours committed when under the age of 14. In cases of child's frequent behaviours having the characteristics of serious misdemeanour the competent state body informs parents or guardians and the competent social welfare centre with the aim of taking measures family and legal protection. Parents or others supervising a child shall be punished for a misdemeanour committed by a child if such misdemeanour is a result of the lack of supervision by parents or others supervising a child.

430. Under the *Act on the Execution of Sanctions Imposed on Juveniles for Criminal Offences and Misdemeanours* juveniles enjoy the protection of fundamental rights as set forth in the Constitution, Convention and other international agreements, Act on Juvenile Courts and this Act. Juveniles' fundamental rights may be limited in exceptional cases, to a degree necessary for the purpose of executing sanctions and according to a procedure as prescribed by this Act. A competent juvenile court, social welfare centre and parent or guardian should immediately be informed of any limitation of juvenile's fundamental rights

⁶ See chapter II, Definition of the child.

in the process of executing sanctions, reasons for and duration of such limitation. The Act stipulates fundamental principles of executing sanctions imposed on juveniles that protect juveniles' human dignity. Sanctions imposed on juveniles are executed in the way that guarantees the respect for human dignity, stimulates his/her physical, intellectual and moral development and protects his/her physical and mental health.

431. The discrimination of juveniles on the grounds of race, ethnicity, skin colour, gender, religion, political or other belief, national or social origin, income, union membership, education, social status, marital or family status, age, health, disability, genetic heritage, gender identity, expression or sexual orientation in the process of executing sanctions imposed on a juvenile is prohibited. Punishments that include any kind of torture, abuse or humiliation as well as medical or scientific experiments are also prohibited. Prohibited procedures also include the imposition of excessive force to maintain order and discipline that may cause inappropriate limitation of juveniles' fundamental rights.

432. A juvenile who was a victim of prohibited procedures has the right to compensation for damage. The stated Act also prescribes the privacy of data regarding juveniles in the process of the execution of sanctions as previously stated in the section *Preservation of identity*. The Act prescribes the protection of personal and property rights as well as interests of juveniles and in the process of the execution of sanctions a competent social welfare centre is obligated to take measures to protect the well-being of personal and property rights as well as interests of juveniles. A social welfare centre is obligated to inform a juvenile court, misdemeanour court that imposed a sanction, body or institution that submitted a proposal for the protection of personal and property rights and interests as well as the institution executing a sanction, on the measures taken.

2. Children deprived of their liberty (art. 37 (b), (c) and (d))

Recommendation No. 68

433. Under the *Act on Juvenile Courts* juvenile prison is still prescribed as the penalty of deprivation of liberty with specifics regarding the conditions under which it is imposed, duration, purpose and content. Juvenile prison may be imposed on an older juvenile for a criminal offence punishable under the law by five-year imprisonment or more severe punishment, if due to the nature, severity of the offence and high level of guilt a sanction needs to be imposed. However, for a criminal offence punishable under the law by long-term imprisonment, or for committing at least to criminal offences punishable by over ten-year imprisonment, a juvenile imprisonment of up to ten years may be imposed.

434. The *Act on the Execution of Sanctions Imposed on Juveniles for Criminal Offences and Misdemeanours* prescribes the execution of the following sanctions imposed on juveniles in criminal proceedings: re-education measures, juvenile imprisonment and safety measures. It also prescribes the execution of the following sanctions imposed on juveniles in misdemeanour trials: re-education measures, juvenile imprisonment and protection measures. The execution of most re-education measures lies within the competence of the Ministry of Health and Social Welfare, whereas the re-education measure of placement into a reformatory and juvenile imprisonment lie within the competence of the Ministry of Justice. Individual treatment programmes, in line with the contemporary scientific and practical achievements, are provided for juvenile offenders, depending on criminogenic factors, such as the juvenile's personality and narrow and wider social environment. There are also provisions regarding the execution of juvenile imprisonment as a misdemeanour penalty prescribing that juveniles shall be kept separate from adults.

435. Juvenile imprisonment imposed in a misdemeanour trial is executed in a specialized facility depending on the place of permanent or temporary residence of a juvenile, where he/she is provided health care and professional psychosocial assistance and at least a three-hour sojourn outdoors. Juveniles are placed with other juveniles, separate from adults. In case there are no other juveniles in prison and placing a juvenile alone in the room would be harmful to his/her health, the prison warden will inform a competent misdemeanour court thereof to approve the accommodation with an adult who will not have a harmful influence on a juvenile. The warden shall provide the court with data on the adult who would share accommodation with a juvenile to prove that such arrangement would not have a harmful influence, and a juvenile's statement on the proposed accommodation. The execution of juvenile imprisonment in a specialized prison facility for juveniles, or exceptionally in a specialized unit for juveniles, is regulated by the Act on the Execution of Prison Sentence, unless otherwise regulated by the Act on the Execution of Sanctions Imposed on Juveniles for Criminal Offences and Misdemeanours. The above-mentioned Act, thus, regulates prisoners' fundamental rights, prisoners' other rights, education, work, benefits, religion.

436. The *Act on Juvenile Courts* contains special provisions regarding prison custody that protects juveniles' best interests. The Act prescribes that a judge competent for juveniles may decide that a juvenile should be placed in custody if there are reasons to do so. Custody may be imposed only as a final measure, depending on the severity of the offence and the expected sanction, for the shortest duration necessary and only in the event of precautionary measures, prescribed by the Act on Criminal Proceedings, or temporary placement into a social welfare institution would not prove effective.

437. A judge competent for juveniles is obligated to inform parents, a guardian, an institution entrusted with the juvenile's care and a social welfare centre about the decision to hold a juvenile in custody. Pursuant to a decision on prison custody issued by a juvenile judge, a juvenile may be held in custody for up to a month. The panel of the same court may, for valid reasons, prolong custody for one month and for another month at the most. Prison custody, as the final measure in the preparatory proceedings regarding a juvenile, may be imposed only if it is legally founded, if the purpose of holding a juvenile in custody cannot be achieved by alternative safety measures prescribed by the Act on Criminal Proceedings or temporary measures prescribed by the Act on Juvenile Courts. Custody should be "proportionate to the severity of the offence and the expected sanction", which means that the criminal offence committed should be by its nature a serious criminal offence punishable by placement into a reformatory or juvenile prison. Such restrictive application of prison custody in the Act on Juvenile Courts is completely in line with the provisions on custody in the United Nations Standard Minimum Rules. Custody is imposed by a judge competent for juveniles conducting preparatory proceedings who is obligated to inform juvenile's parents or a guardian, institution, in case a juvenile was placed into one, and a competent social welfare centre thereof.

438. During preparatory proceedings a juvenile may not be held in custody longer than three months and in this period the state attorney for juveniles is obligated to submit a proposal for applying a re-education measure or imposing punishment on a juvenile. Special regulations regarding custody imposed on juveniles are aimed at reducing the harmful effects of holding juveniles in custody. Therefore, the Act prescribes the separation of a juvenile held in custody from adult prisoners and accommodation with an adult only in exceptional cases. A juvenile judge may approve the accommodation of a juvenile together with an adult if a juvenile would be isolated over a longer period of time and there is a possibility for a juvenile to share accommodation with an adult who would not have a harmful influence on a juvenile. Juveniles held in custody should be provided the possibility to work and, depending on the circumstances, tutoring useful for their upbringing and occupation.

439. When monitoring the treatment of juveniles held in custody a juvenile judge is obligated, especially given the age of juvenile prisoners, to visit them, accept oral and written complaints and take necessary measures to eliminate faults. The duration of prison custody from the day of submitting a proposal for imposing sanctions till the legal validity of the decision may not be longer than the half of term as prescribed by the Act on Criminal Proceedings. Legal conditions for prolonging custody after submitting a proposal for imposing sanctions and till the legal validity of the decision shall be re-examined on a monthly basis.

440. Measures of temporary placement into an institution and custody may be imposed on a juvenile in the process of imposing juvenile sanctions before a council for juveniles in case reasons for their imposition continue to exist. The Act limits the duration of custody from the day of submitting a proposal for imposing sanctions till the legal validity of the decision on their imposition to a half of the term as prescribed for accused adults. The council for juveniles is obligated to re-examine legal conditions for prolonging custody on a monthly basis.

441. New implementation regulations, *Regulations on the Manner of Execution of a Re-Education Measure of Placement into a Reformatory* are in the final phase of their adoption. They will prescribe the manner of execution of a re-education measure of placement into a reformatory, i.e. way of life and work, rules of behaviour, disciplinary violations and measures, manners of exercising rights and obligations as well as other issues important for the organisation of life in a reformatory.

442. Juveniles who are imposed a re-education measure in a reformatory are provided with education (compulsory general primary school education, vocational education according to juveniles' abilities and interests as well as the capacity of a reformatory and training to acquire skills and knowledge required for less complex jobs). They are also provided a possibility to work in or outside a reformatory according to their psychophysical abilities, training and capacity of a reformatory. A reformatory for juveniles also organises religious services and satisfies religious needs according to religious affiliation of juveniles and capacity of a reformatory. A juvenile decides whether he/she will attend religious services. Upon a request by a juvenile who cannot leave a reformatory, occasional contacts with a representative of his religious community shall be provided in a reformatory.

443. The *Act on the Execution of Sanctions Imposed on Juveniles for Criminal Offences and Misdemeanours* prescribes a post penal placement of juveniles. Correctional institutions, reformatories or prisons are obligated to provide, in due time, a programme for post penal placement of juveniles at large. Correctional institution, special correctional institution, reformatory where a re-education measure is being executed or prison where juvenile imprisonment is being executed is obligated to provide, in due time, preparation of a juvenile to be released in cooperation with competent institutions and other legal person assisting the released juveniles. After serving a sentence of re-education a juvenile is obligated to contact a competent social welfare centre depending on his/her place of temporary or permanent residence. A social welfare centre will provide systematic professional assistance to a juvenile to overcome difficulties upon being released and create conditions for his/her integration into daily activities, development of his/her personal abilities and of a responsible attitude toward himself/herself, the family and the society. It will also supervise a juvenile as long as needed, and at least over a period of six months upon release.

444. In the period from 2004 till 2009, there were no reported cases of abuse of persons under the age of 18 in the custodial system.

445. Legal protection of juveniles placed in a reformatory to serve a sentence of re-education, juveniles sentenced to juvenile imprisonment and juveniles held in custody is also provided by respecting the principles of speedy trials and execution of sanctions.

446. Juvenile judges take care of the legal, professional and human execution of sanctions and prison custody whereas the Ombudsman and Children's Ombudsman provide for the protection of their rights.

447. During the execution of a re-education measure or juvenile imprisonment a court that imposed the above-mentioned sanctions is obligated to visit a juvenile at least once in six months to check on the conditions of executing a sanction as well as the effects of the sanction on his/her behaviour and attitudes (re-socialisation). Under the Act on Juvenile Courts the longest permitted duration of juvenile imprisonment is considerably shorter. During the execution of juvenile sanctions of re-education and juvenile imprisonment the emphasis is laid on educational activities which make up the backbone of treatment. Each juvenile is provided an individualized programme of the execution of a sanction carried out by a range of professionals (psychologists, pedagogues, social workers, teachers) for the purpose of strengthening juvenile's positive qualities. Relevant statistical data are shown in Tables 26, 26.a-26.g in Appendix 2.

448. There are two reformatories: in Turopolje and in Požega. The Reformatory in Požega has a unit for the execution of juvenile imprisonment. There is also a unit for the execution of intensive care and supervision in Sisak, with an open unit, belonging to the Reformatory in Turopolje. A re-education measure of placement into a reformatory is executed in the Reformatory in Turopolje – for male juveniles (capacity – 100 juveniles) and in the Reformatory in Požega – female juveniles (capacity – 50 juveniles). The sanction of juvenile imprisonment is executed in the Reformatory in Požega in the unit for the execution of sanction of juvenile imprisonment (male juveniles) that can accommodate 41 juveniles. The sanction of imprisonment of female juveniles is also executed in this Reformatory but not in a separate unit because such sanction is rarely imposed. In the course of 2008 and 2009 there were no female juveniles serving this sentence. The accommodation of juveniles in reformatories is continually being improved.

3. Sentencing of children, in particular prohibition of capital punishment and life imprisonment, and alternative sanctions based on a restorative approach (art. 37 (a))

449. There is no capital punishment or life imprisonment in the Republic of Croatia. Under the *Penal Code* adult perpetrators may exceptionally be sentenced to 20 to 40 years imprisonment (long-term imprisonment) for the most severe and dangerous forms of criminal offences. Long-term imprisonment may never be imposed as the main punishment for a particular criminal offence. Under the conditions as set forth in the special act regarding young perpetrators of criminal offences a sentence of juvenile imprisonment may be imposed. Juvenile imprisonment may be imposed for a term up to 5 years. Exceptionally, an older juvenile may be imposed a sentence of juvenile imprisonment for up to 10 years for criminal offences for which adult perpetrators may be punished by a long-term imprisonment, or for concurrence of criminal offences.⁷

450. Types of sanctions imposed on juveniles for criminal offences in the period between 2004 and 2009 are shown in Table 25.i in Appendix 2, and relapse of juveniles into crime is shown in Table 25.k in Appendix 2.

⁷ There are 187 juvenile judges in the Republic of Croatia (102 at county courts and 85 at municipal courts).

451. It should be pointed out that alternative measures are still being imposed in criminal proceedings regarding juvenile perpetrators of criminal offences (compensation for damage, out-of-court settlement, humanitarian work, psychosocial treatment and other measures).

452. State attorney's office regularly analyses data regarding the application of alternative measures by state attorney's offices because the selection based on the principle of purposefulness is considered to be the most important decision of the state attorney for juveniles. The main advantage of alternative sanctions in pre-trial criminal procedure is the fact that the entire procedure is conducted out of court, provides for fast reaction, has a long-term effect on the perpetrator and is economical (Table 25.j in Appendix 2).

453. Of the total number of cases resolved by the application of the principle of purposefulness in the reported period, a considerable number of cases were resolved by the application of conditional purposefulness, which means that the state attorney conditioned the institution of criminal proceedings by the willingness of a juvenile to fulfil one or more obligations as set forth in the provision on conditional purposefulness (the Act on Juvenile Courts). The objective of such procedure is for a juvenile to take responsibility for his/her actions by fulfilling the imposed obligation and, thus, to prevent future delinquent behaviour.

454. In the period from 2004 till 2008, pursuant to the provisions of the Act on Juvenile Courts, special obligations were imposed in the pre-trial procedure, such as compensation for damage or repair of damage, participation in the work of humanitarian organisations, drug rehabilitation or treatment of other addictions as well as participation in group or individual activities of youth counselling. As a part of the special obligation of compensation for damage or repair of damage there are Services for Out-of-Court Settlement in three cities (Zagreb, Osijek and Split), which have been successful in the prevention of delinquent behaviour of youth as well as in the sociopedagogic sense. Given the good results achieved by the professional services for out-of-court settlement, working group for amending the Act on Juvenile Courts has proposed a settlement with the injured party, i.e. out-of-court settlement as a separate obligation in the framework of the provision on conditional purposefulness.

455. In the period from 2004 till 2008, the sanction of humanitarian work was executed mainly in retirement homes, Caritas, the Red Cross and alike.

456. A training programme has been developed for professionals executing alternative measures and is carried out depending on the available financial resources. Criteria and standards regarding professionals – mediators have been developed following the examples of the Austrian and German models, with training carried out by Austrian professionals. The stated criteria, as well as the outline of this project are described in the book entitled *A Model of Out-of-Court Settlement in Criminal Proceedings Involving Juveniles and Young Adults*.

457. A project entitled ***Improvement of the Quality of Execution of Alternative Measures and Re-education Measures Imposed on Youth with Behavioural Disorders*** has been launched. It helps state administration bodies and institutions to improve the quality of execution of alternative sanctions and re-education measures imposed on youth with behavioural disorders and executed by social welfare centres. The project is aimed at improving the conditions for the creation of an adequate system of the execution of re-education measures, improving work methods at the stages of evaluation and decision making in procedures involving juveniles and improving work methods at the stage of execution of alternative measures and re-education measures.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation, including child labour (art. 32)

458. The new *Labour Act* was adopted in 2009. Pursuant to legislative changes, relevant supporting legislation in this area was adopted in 2009 and 2010, such as: Regulations on employment intermediation services, Regulations on jobs that may be performed by juveniles and activities juveniles may take part in and Regulations on jobs that may not be performed by juveniles.

459. Under The *Act on Occupational Safety* (1996) particularly vulnerable categories of workers must be protected from dangers that may have harmful effect. Special protection is prescribed for the purpose of preserving undisturbed psychological and physical development of youth, protection of women from risks that may threaten maternity and protection of persons with disabilities. Employer is obligated to provide occupational safety for juvenile employees, women and workers with decreased working ability and determine which jobs they may not perform. Juveniles may not do jobs performed under special working conditions, work night shifts, and overtime. Maternity is protected by prescribing which jobs a woman may not perform during pregnancy and breastfeeding. The employer who allows a pregnant or breastfeeding woman and a juvenile to perform jobs prohibited under the law is punished by a fine.

460. Under the Act on the State Inspectorate (2008), The *State Inspectorate* has jurisdiction over the protection of children – juveniles. It prevents illegal working by juveniles and monitors the application of regulations regarding working conditions, safety and the protection of health of juveniles. In the event a child is interrogated as a witness, such interrogation is conducted with the assistance of a psychologist, pedagogue or other professional in a way adapted to his/her age and maturity and with due consideration so as not to harm his/her development.

461. In the period from 2004 till 1st April 2010, labour inspectors dealing with labour relations in all branch offices of the State Inspectorate who supervised the implementation of regulations regarding labour and employment found illegalities committed against juveniles in 255 supervisions, specifically the existence of well-founded suspicion that a total of 702 punishable violations of legal provisions were made (Table 23 in Appendix 2). Most illegalities were committed against juveniles in catering, trade, industry, construction, crafts and service companies, theatres, etc. Juveniles worked as waiters, hair-dressers, cooks, bakers, sales assistants, actors, extras, children's programmes hosts and performed various unskilled jobs in catering and construction. Motions to indict were filed against employers and responsible persons under suspicion to have committed 702 misdemeanours. Due to well-founded suspicion that criminal offences against employees' right to employment record, and rights regarding old-age pension insurance and health insurance, five criminal charges against employers were filed to municipal state attorney 's offices.

462. Labour inspectors dealing with labour relations imposed certain administrative measures in cases prescribed by material regulations, i.e. issued 180 decisions (Table 23.a in Appendix 2). In cases when inspectors were not authorised to act, they informed other competent state administration bodies, so a total of 350 notices were sent to competent bodies in the reporting period.

463. In the reporting period, labour inspectors dealing with labour relations received a total of 831 requests by legal representatives of persons under the age of 15 for the issuance of approval for paid participation in artistic, stage and other similar performances as well as in making videos, TV commercials, serials, etc. Acting within the limits of their competence, labour inspectors issued 773 approvals for the participation of juveniles under

the age of 15 in the stated activities – in the manner, scope and doing jobs that do not harm their health, morality, education or development, whereas 58 requests were dismissed or rejected because submitted retroactively or for juveniles older than 15 (Table 23.b in Appendix 2).

464. In the period from 2004 till 31st March 2010, labour inspectors dealing with safety and health at work in all branch offices of the State Inspectorate found violations of regulations regarding occupational safety against juvenile workers and juvenile pupils doing apprenticeship and the existence of well-founded suspicion that illegalities were committed in 36 cases.

465. A total of 26 decisions were issued to order employees to dismiss juvenile workers from jobs that do not meet the prescribed conditions and to eliminate shortcomings. A total of 37 motions to indict were filed against employers and responsible persons on the grounds of well-founded suspicion to have committed misdemeanours defined and punishable under the Act on Occupational Safety.

466. As regards the ban on the sale of alcoholic beverages and products to juveniles and the limitations in the use of tobacco products, in the period from 2004 till 27th August 2010, trade inspectors of the State Inspectorate supervised the implementation of provisions of the Trade Act (42,277 supervisions), Act on the Limitations in the Use of Tobacco Products (46,200 supervisions) and the Act on Catering Industry (101,412 supervisions – in the period from 2006 till September 2010), as shown in Table 17.h in Appendix 2.

2. Sexual exploitation and abuse (art. 34)

467. Criminal legislation covers criminal offences of sexual exploitation and abuse against children and juveniles. Some of those offences have been established only for the purpose of the protection of children and juveniles. Other offences may be committed against any person, but if they are committed against a child or a juvenile, they are defined as serious.

468. The following offences may be committed only against children and juveniles: sexual intercourse with a child (art. 192), fulfilment of sexual desires before a child or juvenile (art. 194), exploitation of children and juveniles through the production of pornography (art. 196), presentation of pornography to children (art. 197) as well as child pornography on a computer or online child pornography (art. 197.a). Other criminal offences that may be committed against both adults and juveniles are rape (art. 188), sexual intercourse with a helpless person (art. 189), coerced sexual intercourse (art. 190), sexual intercourse by abuse of position (art. 191), acts of indecency (art. 193), pandering (art. 195) and incest (art. 198).

469. Under the *Amendments to the Penal Code of 2006* the minimum duration of imprisonment has been increased and a fine has been replaced by imprisonment for "Criminal offences against sexual freedom and sexual morality". Minimum duration of imprisonment for committing rape has been increased from one to three years; minimum duration of imprisonment for sexual intercourse with a helpless person in all three paragraphs has been increased from one to three years; minimum duration of imprisonment for coerced sexual intercourse has been increased from three to six months; minimum duration of imprisonment for sexual intercourse by abuse of position has been increased from three to six months; whereas minimum duration of imprisonment for a severe form of offence, i.e. offence committed against a juvenile, has been increased from 6 months to one year; minimum duration of imprisonment for sexual intercourse with a child, if the offence was committed against a child (para. 1) or by abuse of position (para. 3) has been increased from one to three years; minimum duration of imprisonment for fulfilment of sexual desires before a child or juvenile has been increased from three to six months; a fine or

imprisonment up to three years for child pornography on a computer or online child pornography – for a perpetrator who through a computer system, network or media for storing computer data makes pornography accessible to a child has been replaced by imprisonment from three months to three years.

470. Provision of information contained in the criminal records is described in section *Abuse and neglect, including physical and psychological recovery and social reintegration*.

471. Working group for drafting the new Penal Code will consider the need for further additions to the legislative framework pursuant to provisions of the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse.

472. The number of persons reported and convicted of criminal offences with elements of violence against children and juveniles is shown in Tables 9, 9.a-9.l in Appendix 2.

473. Measures aimed at the protection of children from all forms of abuse and exploitation are defined within the framework of the National Action Plan for Rights and Interests of Children 2006-2012, whereas the National Plan against Sexual Exploitation of Children is currently being developed.

474. Strengthening institutions for the prevention of and fight against sexual exploitation of children is planned within the framework of IPA 2009 Project *Capacity Building in the Area of Fight against Sexual Exploitation and Abuse of Children and Police Assistance to Vulnerable Victims of Criminal Offences*.

475. Activities of prevention programmes, such as the self-protection of children in pre-school institutions and schools, are carried out for the purpose of protection of children – potential victims in cooperation with civil society organisations. Thus, financial support to the amount of HRK 100,000.00 has been provided to a Parents' Association *Step by Step* for the implementation of CAP programme (*Child Assault Prevention*). The programme is aimed at the reduction of vulnerability of children and their exposure to different forms of abuse by teaching them about effective prevention strategies and providing quality support to adults (their parents and staff in schools they attend). Workshops are intended for pre-school children, young school children and teenagers and are carried out by trained teams of CAP assistants (staff associates/teachers in schools and kindergartens).

476. In addition, financial support is provided for projects by civil society organisations aimed at the protection of children from dangers they are exposed to when using computers and other means of distance communication.

477. Pilot project of treatment of perpetrators who committed offences against sexual freedom and sexual morality has been launched in Lepoglava Penitentiary, by which a systematic treatment of perpetrators of sexual offences has been started. The project involves perpetrators of various sexual offences for the purpose of reducing relapse into crime. The risk of relapse into crime is evaluated at the beginning and the end of treatment. The activities are aimed at changing perpetrators' attitudes towards the committed sexual offences getting insight into undesirable behaviours.

3. Other forms of exploitation – human trafficking (art. 35 and 36)

Recommendations Nos. 66 and 67

478. Special consideration has been given to the prevention of child trafficking through the adoption of the *National Plan for Combating Trafficking in Children for the period from 1st October 2005 till 31st December 2007*. The strengthening of normative framework for the protection of children continued in the new *National Plan for Combating Trafficking in Human Beings for the period from 2009 till 2011*.

479. The Protocol on Integration and Reintegration of Human Trafficking Victims is currently being developed and special consideration is given to providing human trafficking victims the possibility to continue education and to preparing them for independent life.

480. A national body for the coordination of activities regarding human trafficking has been established: National Committee for Combating Trafficking in Human Beings has been working since 2002, Operational Team of the National Committee for Combating Trafficking in Human Beings and mobile teams including government bodies and non-governmental organisations.

481. Over this reporting period the Office for Human Rights continued to act as a coordinator in the area of fight against human and child trafficking. Apart from regular meetings of the above-mentioned bodies it organised numerous ad hoc activities depending on the needs of human trafficking victims and needs for making additions to the system of fight against human and child trafficking.

482. Under the *Amendments to the Penal Code* (2004) a separate criminal offence has been introduced: *Human Trafficking and Slavery*, which provided for the creation of firm legal framework for the protection of human trafficking victims. Under the amendments to the Penal Code the provision regarding this criminal offence has been changed on several occasions.

483. A sentence of one to ten years imprisonment is stipulated for all forms of human trafficking. In case it has been committed against a child or juvenile, it is considered a serious offence punishable under the law by at least five years imprisonment.

484. Under the *Amendments to the Penal Code* (2006) the provision regarding this criminal offence punishing those who take advantage of the position of a person known to be a human trafficking victim has been amended. The provision of Article 19 of the Council of Europe Convention on Fight against Human Trafficking recommending states parties to consider the adoption of such measures as may be necessary to establish as criminal offences the use of services which are the object of exploitation, with the knowledge that the person is a victim of human trafficking, was a legal basis for the proposed amendment.

485. Further improvement of legislative framework was made by the Amendments to the Penal Code (2008) which additionally incriminate illegal adoption of children and public officials who have committed criminal offences.

486. Protection of juveniles in criminal proceedings for criminal offence of human trafficking prescribing a particular manner of interrogating juveniles adapted to their age is also provided in order to prevent their secondary victimization. During the proceedings children and juveniles are treated with due care in order to avoid consequences harmful for their upbringing and development. The use of professional services of a pedagogue, psychologist or other professional is provided during legal proceedings against perpetrators of human trafficking for the purpose of protection of children and juveniles.

487. The system of fight against human trafficking is based on the approach providing, as a part of an organised programme, first forms of assistance and protection to newly identified victims, temporary accommodation in the reception centres, legal, psychological, medical and other assistance and protection as well as safe accommodation and return.

488. As described in the book entitled Unaccompanied Children/Refugees, under the new *Act on Foreigners* (2007) it is possible to grant permission for temporary residence to a foreigner if he/she is: a victim of human trafficking; an abandoned juvenile or a victim of organised crime or for other reasons without parental protection, guardianship or unaccompanied; or for other valid reasons of a humanitarian reasons. The Act regulates the process of establishing identity, rights and obligations of victims as well as the process of

return of victims of human trafficking into their countries of origin. Children and their rights belong to a special category of human trafficking victims. The establishment of identity of victims is conducted by the Ministry of the Interior in cooperation with civil society organisations, and in case the victim is a juvenile, in cooperation with the competent ministry for social welfare. The status of victim is acquired by accepting to participate in the programme of assistance and protection. The programme of assistance and protection includes health care and psychosocial assistance, safe accommodation, translation services, legal protection and safe return into the country of origin. A juvenile victim is assigned a guardian by a competent body. The guardian of a juvenile identified as a victim, decides on the participation in the programme of assistance and protection, taking into consideration best interests of a juvenile and juvenile's opinion. All bodies included in the programme of assistance and protection of a juvenile victim are obligated to take into consideration best interests of a juvenile. In case the victim is a juvenile, necessary measures are taken to establish his/her identity, citizenship and find other family members. The safe return of foreigners having the status of victims is organised taking into consideration their rights, safety and dignity. Juvenile victims of human trafficking will not be returned into any country if upon the evaluation of danger and safety there are strong indications that such return would not be in the best interest of a juvenile.

489. *Amendments to the Act on Social Welfare* (2007) defines human trafficking victims who may be provided temporary accommodation, as a form of care outside one's own family, in a social welfare homes founded by the state.

490. Under the *Protocol on Identification, Assistance and Protection of Human Trafficking Victims of 2008* (amended in 2010), upon establishing the identity of victims, the national coordinator for fight against human trafficking is notified and he/she appoints the leader of a mobile team. In case the victim is a child, it is the guardian who, upon the approval of a social welfare centre, decides on accepting the programme of assistance and protection, taking into consideration the child's opinion. The procedure of assistance and protection requires speediness and privacy protection. Mobile teams are authorised and trained to provide first forms of assistance and protection to human trafficking victims and their members must be on call 24 hours a day. There are four mobile teams in the Republic of Croatia, in Zagreb, Rijeka, Split and Osijek. Each mobile team consists of the representative of a social welfare centre, representative of the Red Cross and two representatives of civil society organisations. Receptions centres for children, as form of temporary accommodation for human trafficking victims, providing psychosocial assistance, health care, legal and other assistance, are established as a part of the national shelter for children – human trafficking victims. Children under the age of three are provided special accommodation.

491. Shelter for children – human trafficking victims is fully equipped, with professional staff. The shelter provides safety and children are provided with the necessary assistance including translation into a language spoken by the child, legal, medical, psychological and social assistance as well as education. Each child is provided individualized approach through programmes of assistance and protection adapted to individual needs of children – human trafficking victims. Long-term solution in the best interest of the child is taken into consideration when developing individualized programmes of assistance and protection. Person having the status of a victim is provided accommodation in a safe shelter or alternative accommodation where the victim is placed upon accepting the programme of assistance and protection till return into his/her country of origin, or social reintegration.

492. County coordinators for the implementation and coordination of activities are appointed in each particular case of child trafficking in all the counties (21). They are specially trained to carry out activities regarding the prevention of human trafficking and child trafficking.

493. Under the *Protocol Regarding Voluntary Return of Human Trafficking Victims of 2009*, the Ministry of Health and Social Welfare is responsible for the organisation of voluntary return of children - human trafficking victims. If the victim is a child, decision on the return, upon approval by a social welfare centre, is made by a guardian, and in the process of return the child is accompanied by a guardian. Risk evaluation is carried out from establishment of the victim's identity until the return in his/her country of origin for the purpose of determining the level of safety of the victim and his/her family in the country of return.

494. The Office for Human Rights keeps record of human trafficking victims by age, gender, country of origin and other relevant data. The number of children – human trafficking victims in the period from 2005 till 2010 is shown in Table 24 in Appendix 2.

495. At a meeting of national coordinators held in Budva in 2010, as a part of regional cooperation, it was agreed that all countries in the region shall give special consideration to the prevention of child trafficking for the purpose of offer of marriage, which especially affects Roma minority children.

496. For the purpose of raising effectiveness of the system of identifying victims as well as finding, taking legal action against and sanctioning perpetrators of human trafficking, the cooperation with civil society organisations managing the free SOS phone for users was continued and improved.

497. In 2006, the Office for Human Rights launched a campaign aimed at fighting child trafficking by making a TV video. We also point out the public campaign aimed at potential users of services of human trafficking victims, which presented all target groups – men, women and children for the purpose of labour and sexual exploitation. The national coordinator for fight against human trafficking, as well as the representatives of other government bodies, participated in numerous TV and radio shows on the subject of fight against human trafficking which gave special consideration to a growing phenomenon of human trafficking. The Office's web site, www.ljudskaprava-vladarh.hr, as well as web sites of other government bodies, regularly provide updated information regarding all activities in the area on fight against human trafficking. Civil society organisations in cooperation with international organisations and government bodies included in the system of prevention of human trafficking, a documentary entitled *The Price of Life* was made dealing with the issue of human trafficking, especially women and children, for the purpose of sexual exploitation. It was seen by 4,000 people. The topic *Fight against Human Trafficking in the Republic of Croatia 2005* was presented on the occasion of celebrating the Police Day (25th September). It included a presentation of videos dealing with the fight against child trafficking to citizens and children, who were also given promotional materials regarding the fight against human trafficking, especially women and child trafficking, with the aim of informing and sensitizing citizens about the subject. A brochure and a badge with a motto Not for Sale were distributed among all secondary school pupils and in all pupils' homes where the staff was provided training, for the purpose of prevention of human trafficking among school population as well as a brochure intended for pre-school children.

498. Activities and prevention programmes were launched within the family centres. Forums, lectures and workshops were organised in schools, informational material were printed and other activities were carried out for the purpose of raising awareness about human trafficking. Target groups were trained for the purpose of building an efficient system of fight against human trafficking and special attention was paid to fight against child trafficking, data on which can be found under Section 4 – *Training of professionals* in Appendix 2.

499. In 2007, financial support was allocated to projects of education of target groups (police officers, state attorneys, judges, health care and social workers, army officers, representatives of civil society, employees in tourism, diplomatic and consular staff and students) on the fight against human trafficking.

500. A EU CARDS 2004 Project *Fight against Human Trafficking, described in the section Financial resources aimed at children*, was implemented for the purpose of capacity building of institutions in fighting against human trafficking, especially child trafficking, and their protection. International cooperation in the area of the fight against human trafficking was intensified in the reporting period, both at operational and international levels. Regional cooperation was carried out within the framework of OESS and other international organisations (such as ICMPD), as well as bilateral cooperation with countries in the region, cooperation with the Council of Europe, cooperation with the EU member states and states candidates for membership in the EU and cooperation with the Interpol and Europol.

D. Children belonging to minority or indigenous groups (art. 30)

Recommendations Nos. 70 and 71

501. In the Republic of Croatia there is an Office for National Minorities of the Government of the Republic of Croatia (hereinafter: the Office for National Minorities) as well as the Council for National Minorities (see Appendix 1).

502. Under the Amendments to the Constitutional Act on the Rights of National Minorities (2010) "co-ordinations of councils of national minorities are legal entities and national minorities constituting up to 1.5% of the total population of the Republic of Croatia, in addition to the general right to vote, are entitled to a special voting right to elect five MPs – members of national minorities in special electoral units, which does not reduce the rights granted to national minorities, pursuant to the law regulating the election of MPs into the Croatian Parliament". Namely, members of minorities take part in the decision-making process from the Croatian Parliament to local communities.

503. There are 377 national minority associations in the register of associations, of which 111 are Roma minority associations, as a part of which flourish numerous cultural and performing societies.

504. In 2004, the Council for National Minorities allocated a total of HRK 22,000,000.00 (HRK 986,600.00 for the rights and interests of children) for the implementation of programmes of cultural and artistic events of non-governmental associations and institutions of all national minorities (children's festivals, theatre and folklore groups, choirs, sports competitions, play-rooms for children, etc.). In 2005, it allocated a total of HRK 24,500,000.00 (for the rights and interests of children – HRK 1,111,460.00). In 2006, it allocated a total of HRK 4,013,690; in 2007, a total of HRK 35,000,000.00 (for the rights and interests of children – HRK 4,200,960.00); in 2008, a total of HRK 41,511,500.00 (for the rights and interest of children – 4,888,388.00); and in 2009, a total of HRK 42,169,131.75 (for the rights and interests of children – HRK 4,555,904.20). The allocation of HRK 41,843,800.00 for the programmes of national minority associations and institutions is planned in 2010 – for the rights and interests of children HRK 3,514,500.00).

505. The representatives of cultural and performing societies of all national minorities take part in the annual event entitled "*Cultural creativity of national minorities in the Republic of Croatia*" that has been held for 11 years now. It is important as it develops multiculturalism and tolerance in the Croatian society. As much as 100 representatives of minority children took part in the last event.

506. For the purpose of developing tolerance and acceptance of differences, the Office for National Minorities stimulated cooperation among members of different national minorities and carried out activities they took part in. Two seminars on the education of young members of national minorities about the process of accession to the EU were held in 2006 and 2007. They were presented international documents ratified by the Republic of Croatia. In 2006 and 2007, there were two seminars for young members of the Croatian national minority from Austria, Czech Republic, Slovakia and Romania who were introduced to the system of rights of national minorities in the Republic of Croatia and representation of minorities at local and regional levels in representative bodies and at state level in the Croatian Parliament.

507. A regional seminar on inclusive education in the context of social and cultural diversity, in which more than 90 representatives of European countries, international organisation and prominent European experts in the area of education and minority rights took part, was held in 2009. The seminar was organised in order to explore measures for the improvements in education for the purpose of promoting intercultural dialogue and social inclusion. Special consideration was given to a comprehensive scholastic approach to social and cultural diversity, creating equal opportunities as the basis of policy in public education as well as the education of teachers for intercultural inclusive education.

Roma national minority

508. **National Programme for the Roma** was adopted in 2003 and the **Action Plan of the Decade of Roma Inclusion 2005-2015** in 2005, printed as a separate publication and delivered to all ministries and other government bodies, municipalities, towns and counties where Roma reside, all councils and representatives of the Roma national Minority as well as all Roma associations in the Republic of Croatia, with an appeal to actively take part in the implementation of measures.

509. **Commission for Monitoring the Implementation of the National Programme for the Roma** has been working since 2003. More and more funds are allocated every year for the implementation of the aforementioned programmes (2005 – HRK 2,760,000; 2006 – HRK 11,886,670; 2007 – HRK 13,812,634; 2008 – HRK 17,398,137; 2009 – HRK 38,210,154 and 2010 – HRK 25,601,311), including Phare 2005 and 2006 funds and IPA 2008 funds. A web site for the Roma has been launched to provide for a better flow of information between government bodies and the Roma national minority.

510. Regarding improvement of living conditions of the Roma, we report as follows:

(a) Health – activities, including those targeting vulnerable age groups, children and women of reproductive age, are carried out for the purpose of improving health of the Roma national minority. Roma population receives health education through the activities of community nursing, health care for pre-school children, prevention and education measures of health care for school children and students, general/family medicine, public health services and epidemic control, women health care, mental health care, prevention and out-patient treatment of addictions. The implementation of programme entitled "*Health Education of the Roma on the Territory of Osijek-Baranja County*" started in 2007, in cooperation with counties, and continued in 2008. The implementation of programme "*Health Education of the Roma on the Territory of Međimurje County*" started in 2008. The programme included: education of Roma assistants, creation of a questionnaire, activities of community nursing teams, gynaecological exams and the implementation of a questionnaire. Along with the continued health education on family planning, sanitary living conditions, preservation of reproductive health as well as the improvement of health and sanitary living conditions, activities in 2010 aimed at equalization of vaccination of medically uninsured Roma children with children medically insured pursuant to the Compulsory Vaccination Programme. Health care reports are not drawn up according to

ethnic affiliation because it is not possible without parents' consent. In counties that conducted surveys in Roma settlements or kept a special record on the health care of Roma children during vaccination, the number of vaccinated Roma children is lower than in average population: 24-65% in pre-school age and 60-100% of the Roma school children, with a tendency towards an increase of the number of vaccinated children;

(b) Housing – legalization of illegally built Roma settlements accommodating large families with many children is being carried out. Physical plans have been made (14) and 13 locations where Roma population lives have been legalized. The settlement Donja Dubrava in Međimurje County, which due to constant floods was not suitable for living, has been torn down and all 17 families have been taken care of and accommodated in brick houses. A total of HRK 1,076,884,00 was allocated for this purpose. Building of infrastructure (roads, water and electricity supply systems) in four Roma settlements in Međimurje County is funded through Phare 2005 and 2006 programmes as well as through funds from the State Budget allocated for the Roma Support Project. The works in Parag settlements in Nedelišće municipality have finished. Total cost of works to be executed as a part of these projects amounts to EUR 4,071,429, of which EUR 1,238,429 is co-funded from the State Budget. Infrastructure in another two Roma settlements will be built within the framework of IPA 2008 programme through funds approved by the European Council to the amount of EUR 2.5 million and funds from the State Budget to the amount of EUR 833,330;

(c) Education – participation of members of the Roma national minority in the educational system is described in the section *Education, including vocational training and guidance*.

511. Since 2004, the Office for National Minorities has also organised about ten seminars/workshops on the training of the young male and female members of the Roma population regarding the implementation of the National Plan for the Roma and Action Plan of the Decade of the Roma 2005-2015, assistance in managing associations and developing projects, participation in decision-making processes in the local and wider communities, exercise of the rights of the Roma granted by the Constitution and legal system of the Republic of Croatia and greater participation in the social life, promotion of the Roma culture, rights and customs through the media, which will contribute to creating a positive image of the Roma, reporting about minorities in the media, enhancement of mutual cooperation of various Roma associations and acquisition of oratorical skills. In addition, every year, the Office for Human Rights in cooperation with Roma association organises the celebrating 8th April, International Day of the Roma. Young representatives of the Roma national minority participated in the 7th Roma International Conference held in 2008. Two booklets entitled *My Rights* – in the Romany and Croatian languages (800 copies in each language) were printed for the purpose of providing better access to information. They are meant for the general public and provide information on the possibilities and manner of exercising rights of the Roma national minority in three key areas: status issues, health insurance and social welfare. They were distributed without charge to all Roma associations registered in the Republic of Croatia. In the course of 2004 and 2005, a project entitled *Play and Prepare for School* was successfully carried out in one housing estate in Zagreb with a large number of Roma families (workshops for pre-school children from low-income families, which cannot afford to enrol children into organised forms of education, included mothers who were provided individual counselling).

512. Members of the Roma national minority participate in the decision-making processes from level of the Croatian Parliament to local communities. One member of the Roma national minority was elected into the Croatian Parliament and three were elected into representative bodies at the level of municipalities in Međimurje County. In addition,

more than 300 Roma were elected into councils and as representatives of the Roma national minority at all levels.

513. According to a general evaluation, considerable progress has been made in improving living conditions of the Roma: development of a part of Roma settlements, measures to resolve status issues and improvement of health care and welfare. Free legal assistance regarding status issues has been introduced. Efforts have been made to improve the education of the Roma, from pre-school to higher education, as well as adult education. Twenty councils and seven representatives of the Roma national minority were elected in the last election for councils and representatives of national minorities, which included over 400 Roma in the decision-making process. In the area of education special consideration is given to including as many possible Roma children into pre-school education, which is a prerequisite for including Roma children in the system of regular education. A survey has been carried out on housing and characteristics of Roma settlements, and the development of county programmes and activities to improve housing conditions at locations inhabited by the Roma is to be finished soon. As regards employment, the process of including Roma into employment programmes has been launched.

E. Children in street situations

514. Vagrancy and beggary are prohibited and penalized under the *Act on Misdemeanours against Public Order and Peace*. In addition, as a part of its regular but targeted activities, the police is taking measures to penalize responsible persons and prevent vagrancy and beggary by children (Table 3 in Appendix 2).

515. Actions taken regarding the committed misdemeanours are of extreme importance for establishing possible criminal responsibility of parents or guardians in cases of neglect or abuse of a child or a juvenile (art. 213 of the Penal Code). Under the *Amendments to the Penal Code* (2006) punishments for basic and severe forms of the stated criminal offences have been increased (see section Abuse and neglect).

516. The *Act on Social Welfare* prescribes that a child caught in vagrancy, without parents' supervision or supervision of other adults, shall be provided temporary care outside his/her own family until the return into his/her own family or foster family, social welfare home or until provided other accommodation (Tables 3.a-3.c in Appendix 2).

IX. Implementation of the Optional Protocols to the Convention

517. This report also contains responses to the Recommendations of the Committee and activities carried out in relation to Croatia's Initial Report on the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, especially in chapter VIII, Special protection measures, the sections on Children in emergency situations, namely, Unaccompanied children/refugees and Children in armed conflicts, including physical and psychological recovery and social reintegration. Activities regarding the drafting of the Initial Report on the implementation of the *Optional Protocol to the Convention regarding the sale of children, child prostitution and child pornography* are currently being carried out.

X. Final comments

518. Care for the family and children was of key importance for the Republic of Croatia in the reporting period. Thus, further steps have been taken to protect the rights and promote best interests of the child. New acts have been adopted, the existing regulations

have been improved and relevant national documents containing specific measures have been adopted pursuant to the recommendations of the UN Committee.

519. The recorded increase in the number of unwanted forms of behaviour or offences against children as well as the number of risky forms of behaviour of children and youth may be the result of sensitization of wider public, intensified training of professionals as well as of the improved and more competent institutional system for identification of cases of violation of children's rights. It is also the result of the increased activity and cooperation of all relevant institutions and civil society.

520. Protection of vulnerable groups, especially children and youth, is a priority of the Croatian society and a guarantee of its future. In the subsequent period the Government will continue with the activities implemented aimed at improving the system of support and protection of children, youth and family, in cooperation with civil society organisations in the area of protection and promotion of the right of the child.
