



Child Protection Policy

Zagreb, May 2020

Contents

- I Introductory provisions 3
- II About the Ombudsman for Children 3
- III Purpose of the Child Protection Policy 5
- IV Scope of the Child Protection Policy 6
- V Basic terms 6
- VI Legal framework 7
- VII Principles of working with children 7
- VIII Protection of children’s rights 8
 - a. Safety and professional aspects of working with children 9
 - b. Protection of children’s personal data 10
 - c. Child protection procedure 10
 - d. Child protection education 10
- IX Specific provisions governing work with children participating in the activities of the Network of Young Advisors to the Ombudsman for Children (NYA) 11
- X STATEMENT OF COMPLIANCE WITH THE PROVISIONS OF THE CHILD PROTECTION POLICY 13

I Introductory provisions

The work of the Ombudsman for Children comprises the protection, monitoring and promotion of children's rights in Croatia. The goal of the Ombudsman is also to determine, to the greatest extent possible, how these actions affect children and their rights. This approach is based on *the UN Convention on the Rights of the Child* and its four core principles: **the best interest of the child, the participation of the child, non-discrimination and the right to life and development.**

The Child Protection Policy aims to ensure the protection and the best interest of children participating in the activities organised by the Ombudsman for Children as well as the transparency of the work of the Ombudsman for Children.

II About the Ombudsman for Children

The institution of the Ombudsman for Children of the Republic of Croatia was founded in 2003 pursuant to *the Law on the Ombudsman for Children*¹, based on a decision of the Croatian Parliament, with the view of monitoring, protecting and promoting children's rights and interests.² The powers of the Ombudsman for Children concern all human rights of children on the whole territory of the Republic of Croatia. The work of the Ombudsman for Children is carried out in four offices: the central office in Zagreb and three regional offices in the cities of Osijek, Rijeka and Split. The regional offices were founded in 2007 at the initiative of the Ombudsman, who also drafted the programme and ensured conditions for their work, invoking Recommendation No. 14 of the Concluding Observations of the UN Committee on the Rights of the Child (2004), and the Government of the Republic of Croatia accepted it and enabled its implementation. In 2013, the Little House of Children's Rights was opened at the Zagreb office.

The Office of the Ombudsman for Children employs a multidisciplinary team of experts of various professions (legal experts, psychologists, pedagogues, a social pedagogue, a social worker, a speech therapist and an economist).

The principal role of the Ombudsman for Children is to establish the state of children's rights in Croatia by monitoring the work of government administration bodies, local and regional self-government units, legal and natural persons, as well as by monitoring case law and the work of judicial authorities, requesting reports, issuing warnings, proposals and recommendations, visiting places where children

¹ The Ombudsman for Children Act (Official Gazette 73/2017), currently in effect, was preceded by the Law on the Ombudsman for Children (Official Gazette 96/2003).

² Gender-related terms used in this document apply equally to the male and female genders, regardless of whether they are used in the male or female forms.

reside and initiating the adoption of and amendments to laws and other regulations governing children's rights and their protection.

The Ombudsman for Children deals with children's rights and the protection of children, including the individual complaints of violations of children's rights in the following areas: status rights and privacy, the right to live with parents and enjoy parental care, protection against violence and neglect, the rights of children as members of society, educational, health care, social and economic rights, cultural rights, leisure time and sports, rights in judicial proceedings, safety, accidents and hazardous environment as well as other rights and protection against discrimination. The wide scope of work differentiates the Ombudsman for Children from other bodies.

The Ombudsman also proposes measures for the development of an integrated system for the protection and promotion of the rights and interests of children and for the prevention of harmful practices threatening the rights and interests of children. An emphasis needs to be put on the protection and promotion of rights and interests of children with developmental disabilities and other vulnerable child groups. The Ombudsman for Children is entitled to the right of access to facilities and of getting an insight into the manner of the performance of care for children residing in these facilities or are temporarily or permanently accommodated with natural and legal persons and other legal entities pursuant to special regulations, and has the right of insight into the data and documents of bodies, regardless of the degree of their secrecy.

The Ombudsman for Children **works and cooperates with children**. The Ombudsman informs children of their rights and advises them on the way to exercise and protect their rights and interests. The Ombudsman for Children cooperates with children, encourages children to voice their opinion and gives their opinion due consideration, initiates and participates in public activities aimed at the improvement of the status of children and proposes measures to enhance the influence of children in the society. The Ombudsman for Children informs the public of the state of children's rights and in certain situations publicly addresses children. The Ombudsman for Children devotes significant efforts to meeting and spending time with children in the Office, visiting places where children are accommodated or where they temporarily reside and organising events and thematic activities for children.

Since 2010 the Ombudsman for Children has been cooperating with a children's advisory body – **the Network of Young Advisors to the Ombudsman for Children (NYA)**, which has 20 members, children of 12 to 18 years of age, who cooperate with the Ombudsman and promote children's rights among their peers and adults. The members carry out their advisory role by exchanging opinions through an online forum, suggesting topics from different areas of the protection of children's rights and providing initiatives for actions to be taken by the Ombudsman, either at thematic meetings organised for them by the Office or through other national and international activities in which the Office participates.

In general, the work of the Ombudsman for Children focuses on the following vision, mission and goals:

vision – to raise the level of protection of all children in the Republic of Croatia, help them exercise their rights in all areas of life and advance their position in society;

mission – to autonomously and independently protect, monitor and promote children's rights and interests, adhering to the principles of justice and morality;

goals – to help children realise their best interests by raising the level of their protection and advancing their legal and social status in the Republic of Croatia.

III Purpose of the Child Protection Policy

The Child Protection Policy of the Office of the Ombudsman for Children is a document providing the value and operational framework for a safe and stimulating work with children through activities that the Office carries out and in which it participates.

All children participating in the activities organised by the Office of the Ombudsman for Children have the right to health, safety and well-being, and their best interest is a priority in the work of the Office. The Office advocates the respect, promotion and understanding of children's rights in the context of their own culture, religion and ethnicity. The children's opinions and views have to be heard, carefully considered and encouraged, and children need to be supported when making decisions affecting them, including those concerning their protection.

It is the responsibility of every entity working with children to establish **standards and mechanisms for their protection**, thus fulfilling the principal duty of care for children, combating and preventing violence, neglect, exploitation and discrimination of children, and in the case of inappropriate behaviour, ensuring an appropriate response in order to protect and support children, which provides for a transparent work of the institution, trust in care for children and the safety of the institution.

The Child Protection Policy aims to ensure the highest standards of professional conduct and personal practice and provide for the safety and protection of children in all activities organised by the Office of the Ombudsman for Children.

The Child Protection Policy therefore includes procedures regarding employment, outsourcing, creating room for stimulating work with children, the training of staff and the application of transparent protocols in the cases of conduct that is not in line with child protection standards.

This document summarises legal obligations and internal bylaws of the institution and establishes standards for the conduct of employees of the Office of the Ombudsman for Children, its associates, trainees, volunteers and other persons when taking measures for the protection of children's rights as well as regarding the obligation to report every violation of those rights to competent authorities.

IV Scope of the Child Protection Policy

The Child Protection Policy is binding for:

- the Ombudsman for Children, the Deputies of the Ombudsman for Children and civil servants in the Office of the Ombudsman for Children;
- trainees, volunteers and students who can be engaged by the Office of the Ombudsman for Children pursuant to regulations and in line with those regulations;
- other persons who are engaged by the Office of the Ombudsman for Children or who participate in the activities organised by the Office: external associates, partners;
- all adults accompanying children to events and activities organised by the Office of the Ombudsman for Children (e.g. parents, assistants and other persons);
- all other persons participating in events and activities organised by the Office of the Ombudsman for children that involve children;
- children participating in activities organised by the Office of the Ombudsman for Children, in a way that is appropriate for them.

The mentioned adults carrying out activities with children or participating in these activities are expected to read the Child Protection Policy and sign the statement of compliance with the provisions of the Child Protection Policy.

External associates cooperating with the Office of the Ombudsman for Children in the organisation of activities involving children are required to have and submit their child protection policy or to acknowledge the Child Protection Policy of the Ombudsman for Children.

The Child Protection Policy concerns all the activities that the Office of the Ombudsman for Children organises or in which it participates, in line with the provisions of the regulation in effect governing the scope and method of work of the Ombudsman for Children (*the Ombudsman for Children Act and the Rules of Procedure of the Ombudsman for Children*), which covers work on individual cases, general initiatives, individual work with children in and outside the Office, in the Republic of Croatia and abroad.

If the activities of the Office of the Ombudsman for Children involve cooperation with other entities that have their own child protection policies, in the event of a dispute priority is given to the policy that ensures a greater level of protection of children's rights and interest.

The Ombudsman for Children supports the Child Protection Policy of the European Network of Ombudspersons for Children and Eurochild, of which it is a member.

V Basic terms

A child is any person under 18 years of age.

Children's rights are the rights enshrined in the UN Convention on the Rights of the Child.

Violence³ is any form of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

Contact with the child is the physical presence of a child or children in the context of the work of the Office of the Ombudsman for Children, whether temporary or regular. This includes all activities of the Network of Young Advisors, meetings and conferences attended by children, contact with children during visits to institutions and public events. Contact with the child also includes indirect contact with the child, that is, access to information about children in the context of the work of the Office, such as data on children, photographs, videos, case studies and correspondence.

VI Legal framework

The Child Protection Policy of the Office of the Ombudsman of Children is based on the provisions of the UN Convention on the Rights of the Child and accompanying General Comments of the Committee on the Rights of the Child as well as on the provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”⁴

In addition, the work of the Office of the Ombudsman for Children is based on the provisions of *the Constitution of the Republic of Croatia* (Official Gazette 56/1990, 135/1997, 08/1998, 113/2000, 124/2000, 28/2001, 41/2001, 55/2001, 76/2010, 85/2010, 05/2014), *the Ombudsman for Children Act* (Official Gazette 73/2017) and other national and international regulations relating to the realisation of children's rights, including the relevant codes of ethics.

VII Principles of working with children

- Children's health, safety and well-being are priorities in the work of the Ombudsman for Children.
- The Ombudsman for Children encourages children to express their opinion, calls for giving their opinion due consideration and for improving the status of children in the society.

³ General comment No. 13 (2011) of the UN Committee on the Rights of the Child on the right of the child to freedom from all forms of violence.

⁴ Article 19, paragraph (1) of the Convention on the Rights of the Child.

- The Ombudsman for Children informs children of their rights and encourages them to advocate their rights and to respect the rights of every child.
- The Ombudsman for Children acknowledges and respects the rights of all children in the context of their own culture, religion and ethnicity.
- The Ombudsman for Children considers every child to be special and advocates the rights of children with developmental disabilities and the rights of other vulnerable child groups.
- The Ombudsman for Children listens to and carefully considers the opinions of children, encouraging children to participate in making decisions that concern them, including decisions concerning child protection.
- The Ombudsman for Children advocates the prohibition of all forms of violence and discrimination.
- The Ombudsman for Children's work with children is based on legal norms and on the expertise of a multidisciplinary team, with due respect given to ethical principles and legal standards.
- The work of the Ombudsman for Children is conducted in cooperation with parents, guardians and other persons taking care of children.
- The Ombudsman for Children participates with children in activities at the national and international levels, in cooperation with verified entities, which are in line with children's best interests.

VIII Protection of children's rights

The protection of children's rights is realised by:

- preventing violence against children;
- preventing peer violence among children;
- the work and engagement of persons who are cleared, competent and specialised for working with children;
- protecting children's personal data;
- cooperating with children, their parents, guardians and other persons taking care of children;
- monitoring children's rights and reporting violations of children's rights to competent institutions;
- cooperating with relevant institutions in the case of a suspicion of violation of children's rights;
- ensuring support for children and their family members in the case of violation of children's rights;
- actions and procedures that respect the child's dignity and age specificity;
- actions and procedures aimed at assessing the impact, effects and results of the protection of children's rights (reports and evaluations);
- raising awareness about the importance of children's rights, in line with the principles of the Convention on the Rights of the Child and recognising the child as the subject and holder of rights;

- networking and organising activities with other institutions and bodies at the national and international levels.

a) Safety and professional aspects of working with children

The appointment and removal from office of the Ombudsman for Children and the Deputies of the Ombudsman of Children are regulated by *the Ombudsman for Children Act*, which, inter alia, includes obstacles to the appointment and removal from office in the event that the conditions for appointment are no longer met or in the event of illegal, untimely or unprofessional performance of duty.

All the activities and work with children carried out at the Office are performed by experts (legal experts, psychologists, pedagogues, social pedagogues, social workers, speech therapists) and other employees of the Office who are subject to verification that they meet the conditions for performing such work in accordance with the provisions of *the Civil Servants Act*.

The verification procedure includes the verification that the person is not subject to criminal prosecution as well as a fit to work medical certificate and the originals of other attestations confirming that the formal conditions of the public tender are met. Before making decision on admission, the Office has the official duty to verify that there are no obstacles to admission to civil service referred to in Article 49 of *the Civil Servants Act* (the Office requests from the Ministry of Justice to issue a criminal records certificate for the chosen candidate).

The Civil Servants Act lays down the principles of conduct of civil servants and governmental employees, especially regarding the performance of duties and obligation to adhere to laws, the prohibition to abuse authority, the duty of professional conduct, the duty of non-disclosure of official secrets and respect for privacy, while the Code of Ethics for Civil Servants lays down the rules of conduct of civil servants and ethical principles to which civil servants must adhere when performing official duties. The same regulation provides for procedures in the case of violation of official duties by civil servants and governmental employees.

Volunteers, students and other persons engaged by the Office of the Ombudsman for Children or those participating in the activities of the Office of the Ombudsman for Children as external associates and partners, as well as all adults accompanying children to events and activities organised by the Office of the Ombudsman for Children (e.g. parents, assistants and other persons) are obliged, before accepting the engagement, to sign the statement that forms a constituent part of this Child Protection Policy and that enables the verification of the previous conviction record in the Criminal Records of the Ministry of Justice, as well as to submit a certificate that they are not subject to criminal prosecution.

Foreign nationals engaged by the Office of the Ombudsman for Children as external associates are obliged to submit a certificate of no criminal record issued by the country of citizenship.

b) Protection of children's personal data

The Ombudsman for Children, the Deputies of the Ombudsman, civil servants and governmental employees at the Office of the Ombudsman for Children and other persons who temporarily and/or occasionally perform the tasks or participate in the work of the Office of the Ombudsman for Children are obliged to act in accordance with data secrecy and protection regulations during and after the termination of their work at the Office, irrespective of how they gained knowledge of these data.

The Ombudsman for Children, the Deputies of the Ombudsman and civil servants at the Office of the Ombudsman for Children are obliged to treat data on children in accordance with the best interest principle and to comply with the obligation of professional secrecy regarding all data on children of which they become aware in the course of performing their tasks and responsibilities. The provisions on data secrecy and protection are regulated by *the Rules of Procedure of the Ombudsman for Children*.

c) Child protection procedure

Every employee of the Office is obliged to report a suspicion of violation of the rights of the child to the Ombudsman for Children.

If the suspicion of violation of the rights of the child concerns an employee of the Office of the Ombudsman for Children, the Ombudsman will investigate the case and take action as laid down in *the Civil Servants Act*; the Ombudsman will also report the case to competent authorities. The person suspected of violation will not be allowed to work or be in contact with children until the termination of the proceedings. If the suspicion concerns an external associate or another person who is not an employee of the Office, the Office will suspend cooperation with such person until the termination of the proceedings.

In case there is a suspicion of a criminal offence against a child, the Ombudsman for Children, in accordance with the provision of Article 15 of *the Ombudsman for Children Act*, will immediately inform thereof competent authorities.

d) Child protection education

The Office of the Ombudsman for Children continuously works and will continue to work on promoting the protection of rights and interests of children, in accordance with the provisions of *the Ombudsman for Children Act* and internal bylaws, and it will encourage other bodies and institutions to adopt their own child protection policies (e.g. sports clubs, associations, etc.).

The Office of the Ombudsman for Children will ensure that all employees of the Office are informed of the Child Protection Policy and that they act in accordance with its provisions when they are in contact with children.

The Child Protection Policy is published on the Ombudsman for Children website dijete.hr so that all persons coming into contact with children while participating in the activities of the Office of the Ombudsman for Children can be informed of its content and of the mechanism in place for the protection of children.

The Office of the Ombudsman for Children will regularly monitor the application of the Child Protection Policy, which will be discussed biannually at the Office staff meeting. The monitoring and evaluation will be implemented by verifying if the standards of the Child Protection Policy are being applied, if protection measures are effective and to what extent, and what needs to be improved.

IX Specific provisions governing work with children participating in the activities of the Network of Young Advisors to the Ombudsman for Children (NYA)

The Ombudsman for Children founded the Network of Young Advisors (NYA) as its standing advisory body and a form of child participation. The NYA members act as advisors to and associates of the Ombudsman for Children, but also as *ambassadors*, communicating information about the work of the NYA and the Ombudsman for Children to their peers and taking steps to ensure that they know their rights and the ways to protect them.

The work of the members of the NYA is determined by their specific roles:

- **ADVISORS** – through an online forum or at meetings (whole group, regional or thematic meetings) the members of the NYA exchange opinions among each other and with the representatives of the Office regarding relevant issues (the adoption of new laws and policies, the organisation of conferences, the public expression of opinion about subjects and issues relevant to the lives of young people). The members report on their experiences and insights, and propose changes or possible solutions to problems.
- **COLLABORATORS** – the members propose discussion topics, activities for the Office of the Ombudsman, participate in work preparation and planning, and in the presentation of the advisory body (NYA); in cooperation with the Ombudsman they present initiatives and work of the Office of the Ombudsman for Children and participate in the preparation of promotional and educational materials of the Office aimed at children and young people.
- **AMBASSADORS** – the members, in their communities (schools, cities etc.) inform children and young people about children's rights and the possibilities for their protection and about the work and role of the NYA of the Ombudsman

for Children. They encourage their peers to contact the NYA and the Ombudsman for Children if they have ideas about issues and problems concerning young people that deserve more attention and action from adults, about the kind of support young people expect from adults and about the areas in which children want to be more active.

An individual can become a member of the NYA based on a public call of the Ombudsman for Children, which is publicised in various forms. The future members of the NYA apply by themselves and are selected by the current members of the NYA and the expert team of the Office of the Ombudsman for Children.

The members of the NYA are selected as individuals, and not as representatives of their schools, cities, counties, etc. Every member advocates his or her opinion and represents himself or herself, in direct contact with the Ombudsman and the employees of the Office of the Ombudsman for Children and in a closed online forum, where members exchange their opinions.

When electing the NYA members, the Office aims to ensure the representation of different groups of children: children from cities and villages, children who do not live with their parents, the students of vocational schools, art schools and grammar schools, national minority children, children with developmental difficulties; in short, children and young people from various backgrounds.

During the mandate, each member of the NYA can, at any moment, request for his or her membership to be suspended, without having to state the reason. Each member can withdraw his or her membership regardless of the reasons. The Office of the Ombudsman for Children informs the child, the parent, the guardian or any other person taking care of the child of all planned activities and obligations and of the method of work of the Office.

The child and the parent/guardian sign/co-sign the relevant declarations of consent relating to the participation of children – members of the NYA – at meetings and events organised by the Office of the Ombudsman for Children until the end of his or her mandate, which includes issues related to travels, accommodation, special diets, health conditions, allergies and medicines the child might be taking, measures taken in medical emergencies, as well as approval to publish photos and interviews.

Special consideration is given to the safety aspect of work with the members of the NYA: the organisation of travels and accompaniment, food, accommodation, supervision, leisure time, rest and support.

The Office also collaborates with the members' parents/guardians and other persons taking care of them with regard to their protection.

The children involved in the work of the NYA are informed of the binding Child Protection Policy and of their right to contact the Office personally or in writing in case there is a need for protection, for themselves or for another child.

The satisfaction of the members with the work of the NYA is monitored through anonymous evaluations.

Special consideration is also given to the relationships between the members of the NYA, additionally regulated by rules drafted by every new generation of the NYA in the form of *the Agreement on the Method of Work of the NYA*, which governs the rules of conduct in the group, in the closed online forum and during public appearances of the members of the NYA.

X STATEMENT OF COMPLIANCE WITH THE PROVISIONS OF THE CHILD PROTECTION POLICY

I _____, hereby declare that I read and understood the standards and guidelines contained in this Child Protection Policy.

I agree with the principles contained herein and I acknowledge the importance of the implementation and promotion of child protection policies, procedures and practices contained in this document during the performance or in connection with the work of the Ombudsman for Children.

I declare that I am not aware of any reason as to why I would be deemed unsuitable for working with children and that I am not being prosecuted for the criminal offence against a child, of which I undertake to obtain a relevant certificate.

I understand that compliance with the Child Protection Policy implies the verification of the previous conviction record and I give my approval for a certificate to be requested from the Criminal Records of the Ministry of Justice, pursuant to Article 14, paragraph (2) of the Act on the Legal Consequences of Conviction, Criminal Records and Rehabilitation (Official Gazette 143/2012, 105/2015, 32/2017).

(name and surname, personal identification number (OIB))

(signature)

(place and date)



Ombudsman for Children:

Address: Teslina 10
10000 Zagreb

Phone: 01/4929 669
Fax: 01/4921 277
E-mail: info@dijete.hr

<http://dijete.hr>