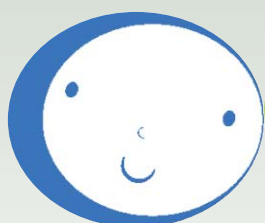


Summary Report on the Work of the Ombudsman for Children for 2018



2003
establishment of
the Ombudsman
for Children in
the Republic of
Croatia

2004
setting up
of the
multidisciplinary
team

2007
opening of
Offices in Split,
Osijek and
Rijeka

2013
opening of the
Little House
of Children's
Rights

2010
establishment
of the Network
of Young
Advisors (NYA)

15th ANNIVERSARY

Fifteenth Anniversary of the Ombudsman for Children
in Croatia

The Law on the Ombudsman for Children, adopted in June 2003, established a specialised and independent body for the protection, monitoring and promotion of the rights and interests of children in the Republic of Croatia. In the last 15 years, the Office of the Ombudsman for Children has faced many challenges, but it has also achieved significant advances. The development of this institution is illustrated by several important years:

2018
meetings with
children and
strengthening
participation

2019.
.....

DECADE AND A HALF

of work - in numbers

about **16,600** individual cases

14,000 various initiatives and activities with children
and for children, recommendations, proposals and meetings

inspection tours of approximately **780** children's institutions

more than **570** general recommendations for the protection
of children's rights

323 proposals for amendments to or adoption of acts
and other regulations

organisation of **140** conferences, media conferences
exhibitions and **5** international conferences,

organisation of about **680** lectures and workshops
for experts, students and pupils

publication of **10** conference proceedings and about
ten other publications on children's rights.

Many more challenges have to be met in the area
of the rights of children in order to strengthen their position
in society and make their voices heard.

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1 INTRODUCTION

This is the sixteenth Report on the Work of the Ombudsman for Children, which is submitted to the Croatian Parliament pursuant to the Law on the Ombudsman for Children. The Report presents an overview of conditions in the area of children's rights, as assessed through the work of the Office of the Ombudsman for Children in 2018, and calls upon the Croatian society and institutions to work towards a more efficient protection and implementation of children's rights.

The findings of the Office's survey research on the participation of children in the educational system, conducted on a sample of more than 2,700 primary and secondary school children, show that children are often not taken seriously enough and that adults do not give importance to their opinions. I am especially concerned about the phrase "Nothing will change", which I heard in conversations with children, as it points to the loss of children's trust due to the lasting neglect of children's rights and needs in society. There is clearly a pressing need for additional investments in the development of relationships between children and adults.

The Report for 2018 is comprised of an overview of the actions taken by the Office of the Ombudsman for Children regarding the complaints of individual violations of children's rights, a summary of general initiatives and a number of other activities, an overview of the work of the Network of Young Advisors to the Ombudsman for Children and recommendations for every area of protection of children's rights. The recommendations are a call to action, to make additional efforts and accelerate the work of all responsible authorities in order to achieve greater promotion, protection and realisation of children's rights in the Republic of Croatia. I believe that by doing so we, as adults responsible for changes, can regain children's trust.

The Croatian Parliament endorsed the Report on the Work of the Ombudsman for Children for 2017 and *the Rules of Procedure of the Ombudsman for Children*, which set the formal conditions for the work of the Office. The new Rules of Procedure also encompass the participation of children in the work of the Office of the Ombudsman for Children through the actions of the Network of Young Advisors to the Ombudsman for Children (NYA). I would like to give special thanks to our young advisors for their contribution and the guiding of initiatives of the Ombudsman for Children in 2018. The year 2018 also saw the adoption of *the Ordinance on the Internal Organisation of the Office of the Ombudsman for Children* and the development of *the Strategic Plan for 2019-2021*.

In 2018, the Office of the Ombudsman for Children marked the fifteenth anniversary of the institution of the Ombudsman for Children by conducting survey research, presenting initiatives, advocating for children's rights and working and communicating directly with children. The great number of complaints of violations of children's rights and questions from the media proves the continuous growth of visibility and recognition of the institution of the Ombudsman and for Children and its role in the protection of children. The number of complaints submitted by adults is on the increase, but the number of complaints submitted by children is still low, which shows the need to further develop communication with children so that all children can be familiar with their rights and the mechanisms of their protection.

In 2018 the Office of the Ombudsman for Children received 1,588 new complaints, inquiries and requests related to individual violations of children's rights and 748 cases transferred from the previous years, as pending cases, were also processed. Additionally, more than 2,000 interviews were conducted, contributing to sharing information, instructions and advice in close contact with complainants in the Office or by telephone. With the aim of improving the protection of children's rights, the Office submitted 76 general recommendations and participated in the process of adopting or amending 41 regulations as well as in the work of numerous working groups. The staff also visited 71 institutions and other facilities where children reside and met with a great number of children. The Office organised 25 conferences relating to the subject of children's rights.

Violence against children and among children is one of the most severe problems in the area of protection of children's rights and of the society as a whole, as shown by numerous complaints and general initiatives, as

well as incidents reported in the media. Violence against children and among children is still on the rise, but there is a lack of appropriate systemic prevention.

The continuing placement and the increase in the number of placements of the youngest children in institutions give rise to concern, as shown by the results of the Office’s multi-annual research on the number of children and young people accommodated, placed and residing in homes for children without appropriate parental care and community service centres.

The Ombudsman for Children continued to advocate the implementation of the recommendations of the UN Committee on the Rights of the Child, including the development of a child budget, which would help to monitor investments in children-related areas at the national and local levels.

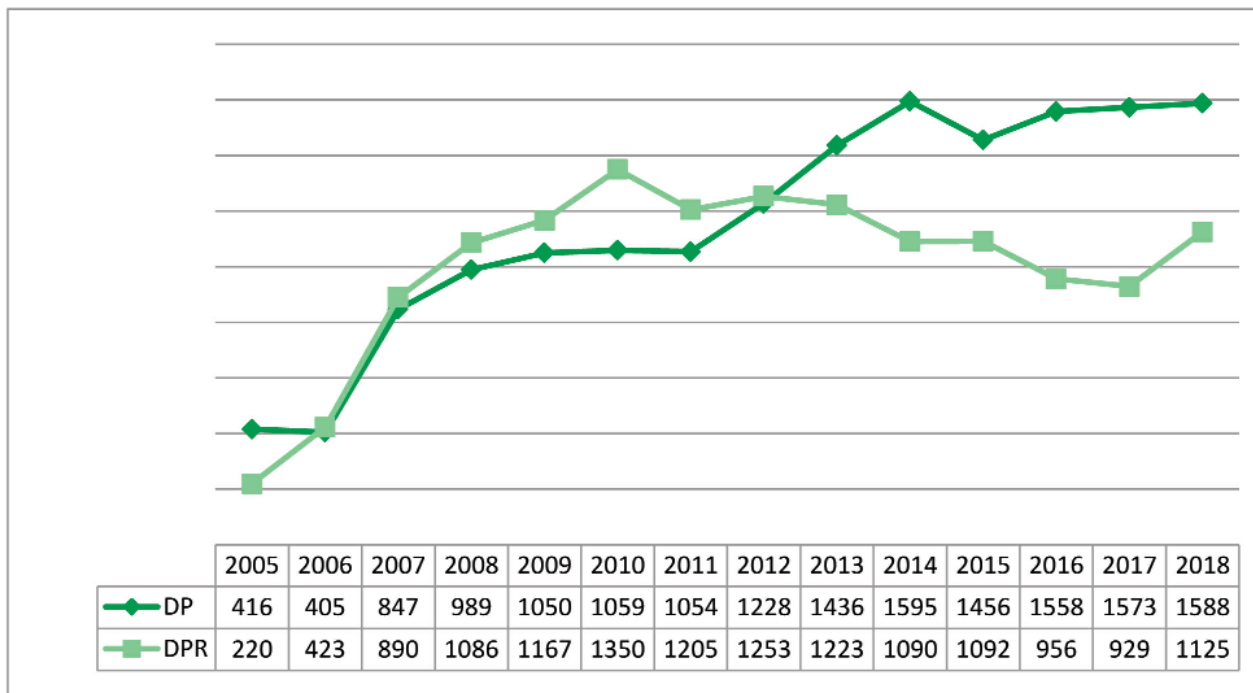
As the year 2019 marks the 30th anniversary of the *UN Convention on the Rights of the Child*, I call upon the decision-makers to include children’s rights among the priorities during the Presidency of the Council of Europe in 2020 and contribute to the promotion and protection of children’s rights in Croatia and the European Union.

I also call upon teachers, educators, guardians, experts working with children, media and children’s associations in Croatia to mark this anniversary by raising awareness of children’s rights in their communities. The concept of children’s rights is still being questioned among certain parents, teachers and other experts, who do not understand that every child has human rights from the moment of birth, and that they cannot be taken away or conditioned.

Finally, I would like to emphasise that the operation of this institution is made possible by the hard work of all staff members of the Office of the Ombudsman for Children, who every year process an increasing number of complaints and citizen and media requests and implement a rising number of activities and general initiatives aimed at the improvement of the protection of children’s rights in society.

Ombudsperson for Children
Helena Pirnat Dragičević, B.L.

Total number of complaints of individual violations of children’s rights (DP) and general initiatives (DPR) for the period from 2005 to 2018



Complaints of individual violations of children's rights from 2005 to 2018

INDIVIDUAL RIGHTS	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Personal rights	282	244	557	635	625	687	636	753	701	742	702	711	726	690
Rights of children as members of society	2	4	13	13	13	11	6	11	11	12	12	29	29	38
Educational rights	31	56	105	121	187	153	159	161	262	273	239	296	310	318
Health care rights	15	10	22	32	35	21	25	28	107	257	184	161	155	173
Social rights	23	14	26	31	48	29	43	42	55	60	42	39	41	45
Economic rights	26	9	57	56	55	72	79	93	90	77	77	87	89	68
Cultural rights	2	7	11	15	11	10	8	19	26	22	37	23	32	39
Rights in judicial proceedings	4	17	30	37	33	38	55	61	81	62	67	96	97	72
Children's safety and protection					12	12	15	13	25	26	36	51	31	81
Discrimination					3	3	6	16	25	24	20	18	20	38
Lack of jurisdiction					22	19	16	26	42	38	39	41	42	21
Other	31	44	26	49	6	4	6	5	11	2	1	6	1	5
TOTAL	416	405	847	989	1050	1059	1054	1228	1436	1595	1456	1558	1573	1588

2 MONITORING INDIVIDUAL VIOLATIONS OF CHILDREN'S RIGHTS

In 2018, the Office processed 1,588 new cases, which included complaints, inquiries and requests connected with individual violations of children's rights, as well as 748 cases that were transferred, as pending cases, from the previous years. The transferred cases are primarily due to the specific work method of the Office of the Ombudsman for Children, which monitors some cases over an extended period of time in order to make conclusions on the condition of and tendencies in the work of various actors in the child protection system.

Individual violations of children's rights

INDIVIDUAL RIGHTS	Pending cases transferred from previous years	Cases opened in 2018	Number of children in 2018	
				Child groups
Personal rights	343	690	996	54
Rights of children as members of society	11	38	25	18
Educational rights	136	318	256	105
Health care rights	38	173	166	17
Social rights	28	45	70	2
Economic rights	46	68	102	2
Cultural rights	29	39	28	17
Rights in judicial proceedings	40	72	89	9
Children's safety and protection	55	81	64	29
Discrimination	18	38	36	10
Lack of jurisdiction		21	22	2
Other rights	4	5	3	2
TOTAL	748	1588	1857	267

The majority of the complaints were filed by children's parents (845), 489 of them by mothers, 279 by fathers and 77 by both parents. Institutions filed 339 complaints, most of them involving notifications from the Directorate for Sanitary Inspection of the Ministry of Health about parents who refused to have their children vaccinated (97). A large number of complaints were filed by educational institutions (62), which asked for advice and recommendations about a course of action or filed complaints about violations of children's rights. Children contacted the Office personally in 20 cases. Their complaints were related to the unjust grading and unprofessional conduct of school staff members and to exposure to peer violence. Children also lodged complaints about social workers who were "forcing" them to contact the parent they were not living with, about foster family placements, about the system's inefficiency in realising child-support and about actions taken by the police when they filed complaints about their neighbours' inappropriate and threatening behaviour. The relationship with the child's mother was the subject of one child's complaint. Children also sought information about their consumer rights, and, while preparing for a class council meeting, about the co-financing of student transport.

The majority of 1,588 complaints received in 2018 concerned parental care issues (350), violations of educational rights (318), violence against children and neglect of children (233), health care rights (173), the right to safety and protection (81), children's rights in judicial proceedings (72), the right to protection of privacy (72) and economic rights (68). The rest of the complaints concerned social rights (45), cultural rights (39), the rights of children as members of society (38), discrimination (38) and a number of other children's rights.

2.1 PERSONAL RIGHTS

A total of 690 complaints concerned personal rights, as broken down in the table below.

Personal rights

PERSONAL RIGHTS	Pending cases transferred from previous years	Cases opened in 2018	Number of children in 2018	
				Child group
Right to life	2	3	3	
Right to know the biological origin	3	5	5	
Right to birth registration	9	13	40	
Right to citizenship	1	3	3	
Right to live with parents and enjoy parental care	185	350	518	5
Adoption	1	5	9	1
Right to protection from violence	97	179	254	29
Neglect	33	54	83	1
Custodial issues		1		1
Foster care placements	1	5	5	2
Child's right to privacy	11	72	76	15
TOTAL	343	690	996	54

2.1.1 Status rights

The bulk of the complaints about the realisation of children's status rights continued to be filed **in cases of parental conflict**, when both parents take care of their children and have to make joint decisions regarding their status rights. The biggest problems arise with the issuance of children's personal documents. Social welfare centres often refer such cases to court, although they have mechanisms in place for the resolution of parental conflict, which delays the execution of children's rights.

Right of children to international protection - The Office of the Ombudsman for Children expresses concern about the treatment of illegal immigrant children by the police, and notably, as regards the protection of children's rights, about 196 cases of the summary expulsion of illegally residing children. The Office is also concerned about the cases indicated by migrant aid associations, which refer to alleged inappropriate conduct by police officers toward illegal migrants, including children, and about the fact that children trying to illegally enter Croatia might be denied access to the territory or returned after they have entered the country, without being given an opportunity to explain their problems and seek help.

2.1.2 Right to privacy

In 2018, the Office of the Ombudsman for Children acted on 72 individual cases concerning the child's right to privacy (seven more than in 2017), involving 76 children and 15 child groups. In addition, the Office acted on 115 cases of violations of other rights, which also involved violations of children's rights to privacy and dignity (e. g. cases regarding children's judicial rights, participation rights or personal rights). The majority of the complaints concerned violations of children's privacy in the media - means of public communication (newspapers, internet portals, television), in institutions, mainly schools, kindergartens, hospitals and sports clubs, but also in other places and in the family. Parents complained about natural and legal persons, including institutions where children were temporarily or permanently accommodated, which violated children's rights to personal data protection and privacy. Due to the large number of violations of children's privacy and dignity, the Office of the Ombudsman for Children **issued opinions and recommendations regarding the comprehensive protection of the rights and interests of children**, devoting special attention to **the protection of children's dignity**. It is necessary to keep systematically and continuously informing citizens and institutions about the protection of children's personal data, privacy and dignity and about the consequences of illegal processing and use of children's personal data.

2.1.3 Right to live with parents and enjoy parental care

The Office received 350 complaints concerning the protection of rights of 518 children and 5 child groups. The highest number of lodged complaints, 231 (66%), concerned **the exercise of parental responsibility**. These complaints were followed by 76 complaints (21.7%) relating to **the restriction or termination of parental responsibility**. In 43 cases (12.3%) complaints were filed in relation to **child support rights**.

All complaints related to this area were motivated by unfavourable family circumstances affecting the child, with most of them relating to the dissolution of family units, divorce, the impossibility to reach an agreement about problems concerning the child, child abuse or child neglect. Complaints expressing **citizens' dissatisfaction with the work of competent authorities** were the most common among complaints filed with the Office. The citizens often showed their distrust of the work of institutions, dissatisfaction with the expert assessments and opinions of social welfare centres or experts as well as dissatisfaction with court decisions. The complaints are often driven by conflicts between parents and sometimes also by conflicts between other family members. The system of protection of children's rights and interests is generally inefficient; its functioning is not sufficiently based on the interdepartmental co-operation in the prevention of violations of children's rights, which is the reason why response and cooperation take place only after a violation occurs. The situation is especially worrying with regard to interventions aimed at the protection of children living in remote areas, and notably of those living on islands.

Exercise of parental responsibility - The greatest number of related complaints, 231 of them, concerned the exercise of parental responsibility. Of these complaints, 115 were filed about violations of rights to joint parental care, 105 complaints concerned parental care decisions and 11 complaints concerned children's meeting and spending time with family members. This area typically involves high-conflict dissolutions of parent's marital or cohabiting unions (**high-conflict divorces**). These cases are characterised by the impossibility to reach an agreement about issues concerning children and by poor communication between parents, filled with reproaches and accusations, frequently resulting in complaints addressed to various institutions. A special problem is posed by the fact that children have to undergo multiple expert evaluations and/or interviews conducted by experts, physicians, psychologists and social workers, which their parents initiate on their own, irrespective of whether these experts work within the health care, social welfare or civil society systems. In order to appropriately protect the rights and interests of the child it is necessary to ensure a timely and efficient implementation of decisions made in accordance with the assessment of his/her best interests. Children's timely protection is hindered due to the excessive duration of enforcement proceedings and criminal proceedings for violations of children's rights. Another aggravating circumstance is the media exposure of some cases and its long term negative effect on children.

The system's response is usually slow and inefficient, especially as regards identifying manipulation with children and appropriate reaction. The long duration of judicial proceedings poses a huge problem. Smaller communities chronically **lack support systems** for children and families (counselling centres, schools for parents and experts, especially those providing education in mental health). In individual cases there are difficulties with the implementation of final and enforceable court decisions, which calls for the strengthening of intradepartmental cooperation. There are still difficulties with the realisation of children's right to participate and express their opinions in proceedings and those who are supposed to protect these rights lack understanding and capability for their proper execution.

Restriction or termination of parental responsibility - Due to an underdeveloped network of service providers and a heavy work load of the employees of social welfare centres, work with families is substandard, with the result that children continue residing outside the family. A continuing problem is the duration of temporary accommodation, a social service of limited duration, which, contrary to regulations, often becomes long-term. In the cases where the care of children with behavioural problems is entrusted to social welfare institutions because their parents or foster parents are incapable of adequately raising them, social welfare centres and courts still tend to be reluctant to suspend uncooperative and abusive parents' right to live with the child. Another issue related to the cases of termination of parental responsibility is that social welfare centres continue to be reluctant to bring these cases to court and that court proceedings, once they are initiated, last too long.

2.1.3.1 Foster care, deinstitutionalisation and adoption

The Plan of Transformation and Deinstitutionalization of Social Welfare Homes and Other Legal Entities Performing Social Welfare Activities in the Republic of Croatia for the Period 2011-2016 (2018) was completed in this reporting period, but it did not result in the reduction of the number of children placed in institutions. However, some changes were made: six homes for children without appropriate parental care were transformed into community service centres (four homes were fully transformed), the number children in foster fami-

lies increased, the number of children accommodated in social welfare institutions decreased slightly and new social welfare services were developed. The communication with the staff of social welfare centres and children's homes as well as with foster care associations revealed problems persisting from previous periods, including a large number of children placed in institutions, the lack of foster families and their uneven territorial distribution, the lack of professional foster care and the shortage of urban foster care, the lack of foster families trained in care of children with behavioural difficulties and those with specific physical or mental difficulties, insufficient support provided to foster families, inadequate education and supervision, the non-inclusion of children in making decisions on the matters that concern them and irregular visits to children placed in care by the staff of social welfare centres.

The main novelty of *the Foster Care Act*¹, adopted in 2018, is professionalization, specialised foster care and a more intensive development of professional support. The Act is a step forward in the development of foster care, but it still leaves considerable room for further measures to regulate this sensitive area in the best interests of the child.

The transformation of homes also resulted in a decrease of institutional accommodation facilities. This, and the shortage of foster placements, compels social welfare centres to select foster families according to the availability of placements, rather than according to children's needs and foster families' abilities to meet these needs. This reporting period once again brought into focus the issue of regulating the personal identification number for children adopted prior to 2015. The Office of the Ombudsman for Children therefore notified competent institutions that the mentioned issue should be addressed in the new Family Act, which is expected to be adopted.

According to the research data of the Office of the Ombudsman for Children, 22 children were adopted from homes for children without appropriate parental care and community service centres in 2018, 4 more than in 2017. It is a worrying fact that the number of children in homes for children without appropriate parental care who meet the adoption criteria increased. In 2018 there were 74 such children in institutions, while in 2017 there were 60 of them. The social welfare system is faced with the same difficulties regarding this child group as in previous years, and no progress with the protection of children's rights has been observed. The activities planned to protect children without appropriate parental care will not produce any results without the sufficient number of experts in the social welfare system, adequate funding, continuous education of social workers and expert help and support. The prevention of children's removal from their families and the quality of care in institutions and foster families can only be improved by investing in social welfare.

2.1.3.2 Child support

In 2018, the Office of the Ombudsman for Children received 43 written inquiries and complaints regarding the right to child support. Some of the complaints also revealed the manipulative actions of child-support debtors who failed to meet their legal obligations as well as the complainants' dissatisfaction with the system's protection of this right and with the work of courts, social welfare centres, the Financial Agency, the Ministry of Demography, Family, Youth and Social Policy and lawyers. The main cause for complaints was the long duration and inefficiency of court proceedings. The assistance granted by the government in the form of temporary support is time-limited and insufficient as it amounts to only 50% of the legally prescribed child support minimum. The received complaints about enforcement proceedings, which accounted for the majority of child support-related complaints, were used by the Ombudsman for Children as a basis for legislative amendment proposals.

2.1.4 Right to protection from violence and neglect

In 2017, the Office received 233 complaints related to violence against children and child neglect, involving 337 children. This number included 179 complaints about violence against children and 54 complaints related to child neglect.

¹ Official Gazette 115/2018.

	2011	2012	2013	2014	2015	2016	2017	2018
Domestic violence	85	108	85	78	68	68	61	62
Violence in educational institutions	60	68	76	50	68	79	90	68
Violence in other institutions	11	5	9	18	2	8	11	10
Other forms of violence	59	51	48	47	40	42	41	39
Neglect	58	63	55	70	69	75	82	54
TOTAL	273	295	273	263	247	272	285	233

2.1.4.1 Domestic violence and child neglect

The majority of 62 complaints about domestic violence were related to physical violence against children. Child neglect was the subject of 54 complaints. Acting on these complaints, the Office observed the necessity of continuous investments in preventive programs, in the education and supervision and in increasing the number of staff, which requires additional government investment in the protection of children against domestic violence. In addition to developing the intradepartmental cooperation between the social welfare system, educational institutions, police, the State Attorney's Office, courts, health care institutions and other institutions, it is also necessary to raise awareness about the unacceptability of any form of violence as well as to timely respond to and sanction all cases of violence.

2.1.4.2 Violence in educational institutions

The Office of the Ombudsman for Children learns about the instances of violence from complaints, staff visits to institutions and media releases. The most frequent form of school violence is peer violence, but there are also instances of adult violence against children. Schools lack efficient mechanisms to prevent and combat **peer violence**. Schools' preventive strategies are not needs-based and not all programmes are expertise-based or evaluated. Neither children nor parents are included in strategy creation and activity planning. Some activities are outsourced, sometimes even without authorisation from the Education and Teacher Training Agency or the Ministry of Science and Education, and their value is questionable. Schools most often respond to violence by one-off actions (interviews, pedagogical measures, notifying other services), which neither improve relationships nor alleviate violence. There are no individual support plans either for children victims of violence or for those who commit violence. Schools do not sufficiently address **online violence**, either because they consider that it falls outside their competence or because they fail to recognise its severity and damaging consequences for suffering children. Specialised services lack multidisciplinary experts, while teachers lack specific knowledge required to address violence. In the cases of violent behaviour of **school staff members** that do not constitute a criminal offence, labour sanctions are imposed with a lack of resolve. In addition, staff members suspected of committing criminal offences are not promptly suspended from work in the period before legal conditions for suspension are met (finality of judgement). During that period such staff members continue to be in contact with children, including children victims of his/her offences. The Office observed that, in addition to children's parents, some school employees also reveal information on children victims of violence and violent events to **the media**, thus violating numerous children's rights.

2.1.4.3 Violence in other institutions and other forms of violence

The Office of the Ombudsman for Children also received complaints related to violence in **social welfare institutions, institutions for children with disabilities, sports clubs, public transport, emergency rooms, streets and other public areas**, committed both by children and adults. The complaints were filed by parents, institutional employees, children, neighbours and other citizens, while some complaints were anonymous. The Office staff also learned about violent events while talking with children during visits to institutions and from the media. Some complaints proved to be unfounded or were declared unfounded following supervisory inspections. The complaints and inspections give indications of peer violence and adult violence against children in **social welfare homes** and of the system's lack of resolve to take measures and actions to combat and prevent violence. The violence and inappropriate behaviour of **public transport** drivers and conductors point to their lack of awareness and education about communication with child passengers. The Office of the Ombudsman for Children responded to the inappropriate and violent behaviour of **sports club** coaches by insisting that, in addition to formal qualifications, they should also have pedagogical competencies for working with children. Some parents filed complaints about the **violence of neighbours** against children, while there were also complaints about chil-

dren “disturbing the peace” of neighbours. In such cases, the staff of the Office explained to the complainants that they should try to resolve their disagreements peacefully and to avoid involving children in their disputes. The complainants were also advised about the possibility to file a report to competent institutions.

2.1.4.4 Violence and other violations of rights through the internet and mobile phones

The Office of the Ombudsman for Children received only three individual complaints related to internet violence, which does not reflect the actual situation. However, inquiries made by experts and adults suggest that adults are insecure when it comes to protecting children on the internet. Some advances were made in the previous year concerning international and national regulations, including the Recommendation of the Committee of Ministers of the Council of Europe on Guidelines to respect, protect and fulfil the rights of the child in the digital environment. There was a noticeable increase in the number of children, teachers and parents who were provided training in internet safety, mostly organised by the civil society. However, training activities, often poorly connected and uncoordinated, were not carried out in all geographical areas and did not include all children. The Ministry of Science and Education should strengthen its participation by adopting a national curriculum for the development of media and digital literacy as a guaranteed standard in all schools.

2.2 RIGHTS OF CHILDREN AS MEMBERS OF SOCIETY

This area includes the children’s right to participate, provided that they can, with regard to their age, form their own views (about family law related issues, at school, in sports clubs, in the places for extracurricular activities and in other places), the right of access to information, the right to freedom of thought, conscience and religion, the right to free association and peaceful assembly and the right to protection from potentially harmful information.

The Office received 38 complaints of this type, involving 25 children and 18 child groups. The complaints mainly concerned the right to protection from potentially harmful information, the right to participation of children who can form their own views about family law related issues and the right to freedom of thought, conscience and religion.

The main problems in this area still include the lack of knowledge and understanding of the purpose of the children’s right to participate in society and adults’ low qualifications for communicating with children and working with them towards the realisation of this right. There is a need to educate experts to work with children and for children on the right of the child to participation, raise the awareness of children and adults about this right and change social perception of children as the passive objects of decisions made by adults. The adults’ responsibility is to create room for the participation of children, and an atmosphere conducive to it, in order to show them, from their earliest age, that they value and respect their opinions and them as persons and to encourage them to behave respectfully towards others.

The possibilities for the participation of children in the local community, irrespective of their age, should be increased, which can be achieved through the activities of **children’s city councils** and **youth councils**. In some local communities these bodies serve as forums for discussions with children and young people about their specific needs for various facilities and resources - playgrounds, community centres and other places where children and young people can meet. These discussions should also encompass their active participation in the making of decisions on the educational system, culture, sports, communications, etc.

2.3 EDUCATIONAL RIGHTS

The second most common of all complaints received by the Office of the Ombudsman for Children in 2018 were complaints filed over individual violations of children’s right to education.

Out of the total of 318 complaints lodged, most of them (126) concerned violations of children’s rights in primary education. The second most common complaints were related to violations of children’s rights in pre-school education (72), while the smallest number of complaints concerned such violations in secondary education (32). There were 92 complaints regarding individual violations of rights of children with disabilities. The complaints were related to the accessibility of education, safety, spatial and organisational conditions, education personnel and curriculum programmes, the relationships of staff members in educational institutions and their impact on children, the co-operation of educational institutions with parents, other bodies and institutions

aimed at the protection of the best interest of the child as well as to the adequate education of children with disabilities.

There are significant differences between institutions at all educational levels as regards the accessibility of education and safety, spatial and organisational conditions, and the amount of investments by the government and founders also vary. There are also differences regarding efforts invested by the management staff of educational institutions into ensuring adequate conditions for educational work and protecting the rights of every child. Complaints about educational workers' inappropriate, unprofessional and unethical conduct towards children and the violations of children's dignity in the educational process point to some educational workers' lack of sensibility for children's needs and systemic failures in the protection of children's rights. It is therefore necessary to establish a certification system for educational personnel in order to enable periodical verifications of their competencies for educational work with children. All children in Croatia should be systematically provided with civic and human rights education and future educational workers should be trained in these subjects within regular university courses.

The number of complaints related to violations of educational rights of **children with disabilities** increased from the previous year, with most of these violations occurring in the primary education. The majority of the complaints were related to securing kindergarten assistants and primary and secondary school assistants/communication intermediaries, children's enrolment and length of stay in kindergartens and the implementation of an adequate education programme. The Office therefore considers it necessary that a protocol on the kindergarten enrolment of children with disabilities should be adopted and the support of kindergarten assistants for these children regulated by law. This year saw advances in the joint initiative launched by two ombudsman offices (Office of the Ombudsman for Persons with Disabilities and Office of the Ombudsman for Children) and the UNICEF Office, aimed at creating public policy for early childhood interventions with a view to establishing a single and comprehensive early intervention system at the national, regional and local levels.

2.4 HEALTH CARE RIGHTS

The Office of the Ombudsman for Children acted on 173 individual complaints of violations of children's health care rights, which encompassed 166 children and 17 child groups, and conducted general initiatives.

The Office staff members inspected three health care institutions and issued five recommendations for improvements of the health care system. They participated in the public debate on *the Health Care Act* and on amendments to *the Food Act* as well as in the debate on *the Proposal of the Ordinance on the School Fruit, Vegetables, Milk and Dairy Products Scheme*. The Office issued an opinion regarding *the Final Proposal of the Psychotherapy Profession Act* and proposed amendments to *the Act on Games of Chance*, related to the advertising of games of chance, and amendments to *the Ordinance on the Spatial and Technical Conditions for Organising Games of Chance in Casinos, on Gambling Machines and in Betting Shops*, referring to the distance of casinos, gaming arcades and betting shops from educational institutions and other children facilities.

The Office staff members participated in three thematic meetings in the Croatian Parliament organised on the topic of protection of children's health care rights. One of these meetings was initiated by the Office and the staff participated actively in its preparation. The Office actively participates in the work of the Commission for Children's Health Care Improvement, established by the Government of the Republic of Croatia. The Office staff members participate in the advisory group of the Croatian Public Health Institute (CPHI) project "Healthy Living", in the part related to mental health education. The Office endorsed the Project of Supervised Toothbrushing in Kindergartens and Schools, launched jointly by the Ministry of Health and the CPHI with an aim of preventing dental caries in children, and the preparation of recommendations for the implementation of this activity at the national level. The Office also organised an interinstitutional meeting to improve the cooperation of experts specialised in the protection of children's rights in the family in the cases when the parents' decisions about their children's health care are not in the children's best interests. The Office staff members participated in the work of the Programme Committee for the Improvement of the Assistive Technology and Assistive Communication Services within the UNICEF's assistive communication and technology project.

The largest number of complaints related to this area (114) was filed by institutions, mainly involving the notifications from the Directorate for Sanitary Inspection of the Ministry of Health about actions taken against parents who refused to have their children vaccinated. There were 45 complaints filed by parents, while 14 complaints were made by other complainants. The parents expressed their dissatisfaction with the communication of health care workers and the way they treated them and their children. They also complained about the protection of children's mental health, the protection of health of children with disabilities, the protection of health of chronically ill children and the protection of health of children of foreign nationals temporarily residing in

Croatia. The Office was notified of children's difficult access to health care services caused by the lack of certain specialists in their places of residence, the long distance between health care institutions and children's places of residence, and of the long waiting lists for some health care services, because of which parents opt for health services provided by private physicians. The parents whose children have special dietary requirements sought information from the Office about the possibilities of meeting these requirements at schools and kindergartens. They also inquired about the execution of their parental rights, such as the right to sick leave to care for the child, the right to maternity and parental leave and benefits and the right to have access to the child's medical documentation. Some parents were dissatisfied with the decisions of the Croatian Health Insurance Fund related to the realisation of mandatory health insurance rights.

Most of the complaints were filed over the **refusal of parents to have their children vaccinated** against the diseases specified in the Mandatory Vaccination Schedule for Preschool and School-age Children, about which the Office is notified by the Directorate for Sanitary Inspection of the Ministry of Health. The complaints were made by kindergartens and parents who refused to have their children vaccinated. The Ombudsman for Children considers the right to vaccination as the right of the child to enjoy the highest attainable standard of health pursuant to Article 24 of *the Convention on the Rights of the Child*. The consistent compliance with the Programme of Health Care, Hygiene and Nutrition in Kindergartens² contributes to the protection of health of all kindergarten children, including those who cannot be vaccinated due to medical reasons, and this precondition does not constitute discrimination of unvaccinated children in terms of *the Anti-discrimination Act*.³

The conditions for the treatment of children and adolescents with **mental health difficulties** were improved in the Osijek University Hospital as regards the available facilities and personnel. The resources for the treatment of children in Dalmatia remained inadequate, as the Split University Hospital has no in-patient clinical wards for children. The Psychiatric Hospital for Children and Youth in Zagreb lacks space, and another problem is inadequate professional assistance for children with behavioural problems who also suffer from mental health difficulties. The Ombudsman for Children warned about this problem at the thematic meeting on the protection of children's mental health, held in the Croatian Parliament.

Croatia has an underdeveloped system for the prevention of suicides and for the provision of medical assistance and treatment, monitoring and comprehensive care of children who are at risk of or have attempted suicide. The frequency of **alcohol drinking** and **cigarette smoking** among children, their exposure to **energy drinks**, and their participation in **betting games** despite legal prohibitions, also give reason for concern.

As concerns the protection of rights of children treated for **malignant diseases**, the issue of organising in-hospital schooling for secondary school children, which was emphasised in the Ombudsman for Children's recommendation for the school year 2017/2018 issued to the Ministry of Science and Education, remained unresolved. The Ombudsman for Children advocates the adoption of a national strategy to combat malignant diseases of children.

As regards children suffering from **rare diseases**, treated by very expensive medicines that are not included in the lists of medications of the Croatian Health Insurance Fund, the Ombudsman for Children holds the view that the price of a medicine should not be an obstacle for providing adequate treatment to children. Independent commissions, consisting of experts for the treatment of specific diseases, should be determining whether there are any medical indications for a treatment with an innovative medicine. The Office of the Ombudsman for Children participates in the process of raising the level of protection for children with **type 1 diabetes** by issuing recommendations. These include the recommendation that the Croatian Health Insurance Institute should enable children to obtain devices (monitors) for the continuous measuring of the glucose level within interstitial fluid. In one of the recommendations submitted at the beginning of school year to the Ministry of Science and Education the Ombudsman for Children proposed that schools should develop cooperation with school medicine teams in order to train education staff in giving first aid to children in a diabetic coma, including the application of glucagon. Social workers who work with children should also be trained in the implementation of these procedures, which was noted in the recommendation to the Ministry of Demographics Family, Youth and Social Policy.

The Office also monitors the actions of the Ministry of Science and Education and Ministry of Health as regards **vegetarian** and **vegan** meals for children in educational institutions, and notably in preschool educational institutions. In some cases, **children with developmental disabilities** are provided minimal, rather than optimal **therapeutic treatment** in the health care system, so that they continue receiving therapy in private practices, which is a considerable financial drain for the families. Other causes for concern are increasingly more often applied **alternative medical treatments** and interventions with unproven efficiency.

² Official Gazette 105/2002, 55/2006 and 121/2017.

³ Official Gazette 85/2008, 112/2012.

As regards the **health care of children-foreign nationals**, it is the opinion of the Office of the Ombudsman for Children that all children temporary residing in the Republic of Croatia should be provided with the same standard of health care. In the cases when parents **refuse to consent to the proposed medical treatment** of their child and thus jeopardise his/her well-being, the health care institution should react quickly in the best interest of the child. The rules of procedure and cooperation should be established by a protocol in order for children to be provided with the necessary treatments in the shortest possible time. The Ombudsman for Children monitors the situation regarding the announced construction of the **central national children's hospital**, which is expected to raise the standards of children's medical treatment and enable the organisation of work and the facilities enabling humane hospital treatment of children. However, the hospital will not become operational for quite a while and children in need of a treatment have to realise their right to the highest attainable standard of health without delay.

2.5 SOCIAL AND ECONOMIC RIGHTS

In 2018, the Office of the Ombudsman for Children received 113 complaints of violations of social and economic rights, with 45 of the complaints related to social rights and 68 to economic rights.

The Office has for a number of years advocated the development of a *child budget* to enable funds earmarked for children to be visible in budgets and more protected from cuts during crises. Some welcome progress was made this year: the ministries collected the required data, undertook commitments and carried out the activities necessary for the adoption of the budget.

Croatia still has the following problems: a high poverty risk (with considerable regional differences), unemployment, long-term poverty, scant progress with the improvement of the social benefit system, the shortage of staff in social welfare centres, concerns raised by the situation of young people who do not obtain education, work or receive professional training and an insufficient number of children in preschool education.

2.5.1 Social rights

Out of the total of 45 cases lodged regarding the protection of social rights, the majority concerned child benefit and maternity and parental benefits.

The competent authorities were notified of violations of children's rights in the procedure of recognising entitlements to assistance and care allowance, in the application of legal provisions on the right to child benefit and in the cases when survivor pensions were paid to only one beneficiary's account and there were more of them (including children) living on the same address. The Office of the Ombudsman for Children submitted proposals for improvement, but they were not taken into consideration.

The issues that came to the attention of the Office included the long duration of proceedings for the execution of social welfare, health care and pension rights of children with disabilities and their parents' lack of information about their rights. This is why the Office initiated the publication of a brochure (leaflet) containing information on these rights and services.

2.5.2 Economic rights

A total of 68 complaints concerned economic rights, with most of them related to the right to an adequate standard of living (35), followed by the complaints filed over the protection of children's property rights (20), economic exploitation and hazardous labour (11) and individual complaints (2) about inappropriate advertising. The complaints of this type involved 102 children and 2 child groups. In addition to written complaints there were also 55 oral complaints and inquiries about options for the protection of children's economic rights.

Right to an adequate standard of living - The complaints lodged were mostly related to the inadequate living condition of families with children, their difficult financial conditions, financial burden caused by children's medical treatment and decisions on housing entitlements. The Office of the Ombudsman for Children issued recommendations to local communities and social welfare centres to provide assistance to disadvantaged families and advised parents on the possibilities of execution of their rights.

Economic exploitation and hazardous labour - The Office received information from the Labour Inspectorate about the illegal labour or employment of children and addressed individual complaints filed by parents, citizens and institutions over the violations of children's rights and the protection of child beggars. Most cases of illegal treatment of minors were recorded in hotels and restaurants, construction and other service activities. According to the information received, three children were seriously hurt at work and one child suffered minor

injuries. The complaints of violations of students' rights were related to the conditions and organisation of practical classes at schools, the content of practical classes, the non-compliance with contractual provisions on the implementation of practical classes or apprenticeship and the inappropriate behaviour of employees of a company. The Office recommended that students' practical classes and practice should not be organised later than 8 p. m., and that a supervision mechanism for practical classes and practice should be established. Unfortunately, there are still no clearly defined rules in place regarding the participation of children in artistic, audiovisual and promotional activities. Child beggars should be paid special attention.

Protection of children's property rights - There were 20 cases related to the protection of children's property rights. The Ombudsman for Children monitored several cases that were related to parental disagreement over the use of children's property and to funds withdrawals from a child's account without the knowledge of the child and the parent with whom the child lives. Most of the cases concerned the protection of children's interests in inheritance proceedings. As this area requires economic and financial expertise and competencies, the Ombudsman for Children recommended to the Ministry of Demographics Family, Youth and Social Policy to organise additional training for social workers dealing with these issues and provide them with procedural guidance in order to facilitate their assessment of the degree of threat to the child's property rights and well-being as well as risk assessment in each particular case. Several complaints were related to enforcement on children's monetary funds and earnings. The Office submitted initiatives for amendments to several regulations on enforcement proceedings, including: *the Execution Act*, *the Act on the Implementation of the Enforcement on Monetary Funds*, *the Ordinance on the Types and Amount of Fees for Performing the Duties Prescribed in the Act on the Implementation of the Enforcement on Monetary Funds*, and *the Ordinance on the Types and Amount of Fees for Performing the Duties of Selling Immovable and Movable Properties in an Enforcement Procedure*.

Inappropriate advertising - The complaints made regarding this area mostly involved the protection of children from inappropriate televisions commercials and other forms of advertising, advertising in educational institutions and children's participation in promotional activities. Some of the Office's activities are part of its continued efforts to improve the position of children and establish their protection from harmful influences. In the view of the Office of the Ombudsman for Children, current regulations do not adequately protect children against negative influences, such as pornography and alcohol advertisements, and no sufficient progress has been made in this area.

2.6 CULTURAL RIGHTS, LEISURE TIME AND SPORTS

The Office of the Ombudsman for Children acted on 39 complaints of violations of children's cultural rights. As in previous years, most of the complaints referred to sports and religious activities in educational institutions. The Office has repeatedly warned about the lack of regulations and loopholes in current regulations regarding the protection of children in their leisure time. There is a need for a regulation on the activities of playgroups, playgrounds and other areas for children's play; a regulation envisaged under Article 94 of *the Family Act* regarding children's participation in artistic, audiovisual, promotional, sports and other activities; *the Associations Act*, which would also regulate the protection of children from the perpetrators of criminal offences against children; as well as for standards for the provision of services to children and the supervision of these services. Therefore, the protection of children in this area for the time being depends on the awareness, sensibility and responsibility of individuals. The legal loopholes lead to ambiguities and inconsistent practices, with the result that children are exposed to numerous risks and to violations of their rights.

Protection of children in sports - In the most general sense, a total of 57 cases referred to the protection of children in sports, including 27 cases related to cultural rights issues. The remaining cases concerned various issues described in other sections of the Report (protection of privacy, protection against violence, etc.) and some concern general initiatives on the protection and promotion of the rights of child athletes.

Most of the complaints were filed over the inappropriate and violent behaviour of sports club coaches towards children, incompetence, unresolved issues and conflicts between adults in sports clubs and associations and their impact on child athletes, differences in sports clubs and associations' decisions (e.g. regarding children's disenrollment, changes in the training schedule) and difficulties with obtaining membership withdrawal certificates for inter-club transfers. The remaining complaints and inquiries were connected with the protection of privacy of child athletes, children's safety while participating in and travelling to sports competitions, the safety of sports facilities and equipment and the availability of sports for children.

It is expected that the adoption of *the Sports Act* will solve many of these problems. In this respect, commendable progress was made by the *National Sports Programme 2019-2026*. Given that a large number of athletes are children, the Ombudsman for Children holds that the National Sports Programme, as a basic strategic document, and the future Sports Act, as a fundamental regulation, should envisage clearly defined standards, guidelines and goals for a more efficient protection of child athletes' rights.

2.7 PROTECTION OF RIGHTS IN JUDICIAL PROCEEDINGS

In 2018, the Office of the Ombudsman for Children received 72 complaints about violations of children's rights in judicial proceedings. Most of the complaints lodged were associated with the right to dignity in the proceedings before competent authorities (27) and the right to protection from sexual exploitation and abuse (23). There were also complaints related to the right to immediate legal assistance (11), the right to minimum guarantees in cases where a child was suspected, accused, charged with or found guilty of a criminal offence (5), the right to judicial proceedings within a reasonable period (2) and the right to protection from degrading treatment or punishment of children (2). One complaint referred to the rights of child witnesses and victims (1), and one to child participation in judicial proceedings (1).

Most of the complaints were filed by parents, who complained about **the actions of the employees of social welfare centres in family law proceedings**, police officers and court officials. The complaints about the actions of social workers were most often filed in cases of parental conflict and when measures were taken to protect children, especially when children were removed from families or when action was brought to revoke parental responsibility. Parents complained about social workers' partiality, unprofessional conduct, their failure to take steps towards children's protection or to respond to subpoenas. Such complaints are regularly forwarded to the Ministry of Demographics Family, Youth and Social Policy, which rarely establishes non-compliance, although there are such examples, owing to the poor functioning of the social welfare system. The complaints about police officers' actions were mostly related to inadequate protection against threats and violence, delayed police interventions, police officers' inappropriate conduct in children's presence, overstepping police authority or the unnecessary bringing of children to police stations. The supervisory body of the Ministry of Interior, like that of the social welfare system, rarely establishes non-compliance with duty. The complaints often referred to **judiciary authorities, the State Attorney's Office and courts**. The State Attorney's Office was criticised because of the failure to instigate criminal proceedings and insufficient commitment to protecting children's rights, while the main reasons for the dissatisfaction with courts included **the long duration of judicial proceedings** as well as **the inefficiency and inappropriate conduct** of some judges while taking testimonies from child witnesses.

2.7.1 Protection of child witnesses and victims in judicial proceedings

According to Ministry of Interior data, 5,188 criminal offences against children were detected and reported in 2018, while 2,795 children were victims of domestic violence. Children need to be adequately prepared and provided support in order not to be traumatised by giving testimony, which is why court expert associates, who are in charge of assisting and supporting children, play a very important role. However, some courts **lack facilities for their work**, including separate waiting rooms for children to protect them from meeting with offenders, or have **inadequate and outdated technical equipment** and varied practices in hiring expert associates and in questioning child witnesses. Another issue is organising children's court attendance due to the distance of court buildings from their places of residence and the related travelling expenses. The possibility to prepare children for giving testimonies at their homes or other appropriate places is rarely exploited. It is therefore necessary to provide courts with sufficient funding to cover the costs of children's arrival to courts or to prepare them for testifying in their places of residence, so that all children could have equal conditions and that their participation in court proceedings could be made as non-stressful as possible.

One more issue is **victims' lack of information** about their rights, the phases of the proceedings in which they are required to participate and the course and outcome of these proceedings. There are forms containing information for victims of criminal offences, including those intended for children, but they are neither child-friendly nor easily understood by children. Other problems include **the long duration of judicial proceedings, the unnecessary summoning of children and the lack of training for expert associates**, in particular on topics from developmental psychology, social pedagogy and forensic interviews, as well as the problem of **insufficient supervision**.

Every child participating in judicial proceedings, regardless of whether these are criminal, minor offence, civil or administrative proceedings, must have **an equal access to systematic support and assistance**. This support and

assistance must not be limited to the judicial system, but they should also be provided in the social welfare system, health care system and civil society. Persons coming in contact with children, from whichever system, must be specifically trained for detecting children's needs and providing them with support.

Protection from sexual exploitation and abuse - These complaints were lodged by parents with regard to the treatment of children who had experienced some form of sexual exploitation or harassment. The main reasons for the complaints were the lack of information, children's unequal access to appropriate support and the type and severity of the sanction for perpetrators. In most cases, parents voiced their dissatisfaction with lenient court verdicts, the release of "paedophile" from "detention" or with his release from prison upon the completion of sentence and possibility to come into contact with the child again and, as parents feared, repeat the act of violence.

Another reason for concern is inadequate protection of children from contact with the perpetrators of sexual crimes against children. There is no general regulation prohibiting the perpetrators of sexual violence against children from working with children. This prohibition is contained only in some specific regulations, which, unfortunately, do not guarantee a comprehensive protection of children. An extremely worrying fact is that in some areas there are no such regulations at all. There is no supervision over the work of associations and companies, which can without any limitations register for activities that include work with children (playgroups, workshops, camps, tuition, courses, etc.). This raises concern about the safety and protection of children. Some progress has been achieved by the Office of Associations of the Republic of Croatia, which, upon the initiative of the Ombudsman for Children, grants financial and non-financial assistance from public sources for general interest projects and programmes carried out by associations on the condition that persons coming into contact with children have no prior criminal record.

The Office of the Ombudsman for Children also draws attention to the inadequate implementation of regulations and expresses concern about a small number of requests for the verification of criminal records pursuant to the Sports Act. The Office also constantly emphasises the fact that schools and preschools comply with their obligation to verify criminal records by requiring a "certificate of no criminal records", which is not enough. Due to the fact that the Ministry of Justice's criminal records contain entries on 1,566 perpetrators of sexual crimes against children, the Office of the Ombudsman for Children calls upon competent bodies to make periodic checks on employees and other associates to verify if there are any obstacles for their working with children.

In conclusion, the satisfactory level of protection of children from the perpetrators of sexual crimes has not been achieved. Despite amendments to criminal legislation, an adequate legal framework for children's protection has not been established. Other causes of concern include lenient sanctions, failure to implement safety measures and an inefficient system of supervision of perpetrators following the completion of their sentences.

2.7.2 Protection of the rights of children in conflict with the law

The complaints related to this area concerned inappropriate **police behaviour** towards children in conflict with the law, the incidents of which were most often not confirmed by internal police supervision. The complainants also referred to police officers questioning children who witnessed/perpetrated peer violence without notifying and inviting their parents and to parents being advised against reporting peer violence. Some complaints were filed over the inappropriate behaviour of **security guards and salespersons** towards children suspected of shoplifting (violation of privacy and dignity), i.e., their failure to notify children's parents. The measure of **detention on remand of minors** is still implemented under conditions that are not in compliance with international standards and national regulations on closed reformatories that would enable minors to attend classes and work, as envisaged by the Juvenile Courts Act. The measure of temporary placement of minors in correctional institutions during the proceedings, as an alternative to detention, is not sufficiently implemented.

Notwithstanding the principle of urgency, **the duration of proceedings**, especially court proceedings, **is excessively long**. **Institutional correctional measures** are implemented without adequate educational and therapeutic work, which especially affects children with combined difficulties. Some of the complaints lodged concerned peer violence and violence committed by institutional staff members. The Office staff members also learned about instances of violence from children themselves, who were reluctant to report them, being afraid of consequences (supervision failed to confirm that violence occurred). The accommodation facilities in the **Turopolje Correctional Facility** have been improved, but the institution is still at an isolated location outside a populated area, which impedes the integration of minors in the society and their contact with families. The position of **minor offenders** in minor offence proceedings has not been significantly improved; courts do not employ non-legal professionals who would contribute towards a better quality of work with minors and better protection of children witnesses and victims of minor offences. Inappropriate **media reporting** on children who violate the law is also harmful for these children's well-being, which makes it necessary to continuously raise journalists' awareness of their rights.

2.8 SAFETY, ACCIDENTS AND HAZARDOUS ENVIRONMENT

The Office acted on 81 individual cases related to the protection of children's safety, which involved 64 children and 29 child groups. The largest number of the complaints concerned traffic hazards for children and traffic accidents involving children as well as the protection of children running away from home or care. The Office also monitored hazards to children posed by pyrotechnics and various harmful influences, including air pollution, electromagnetic fields emanating from devices located near children's homes and asbestos panels on school and kindergarten buildings, as well as children's safety in playgrounds and playgroups. Most of the individual complaints served as a basis for the general initiatives of the Ombudsperson for Children aimed at the comprehensive protection of children.

Safety of children in traffic - The complaints of individual violations of children's rights and monitoring indicate that the majority of traffic accidents involved children as pedestrians, bike riders and car and bus passengers. Citizens and parents complained about drivers who breach traffic regulations on roads in the vicinity of kindergartens, schools, residential buildings and other facilities and areas, the irregular bus transport of children, the inappropriate behaviour of drivers and traffic hazards for children caused by deficient and inadequate road infrastructure on the routes to kindergartens and schools. Further efforts should be made to improve children's traffic safety in all segments, with an emphasis on the safety of children-car passengers, and to improve the accessibility and safety of children's transportation. Investments should be made into constructing safe road infrastructure, while the transportation of child athletes to competitions and competition trainings should be standardised. It is also necessary to facilitate the acquisition of safer vehicles and equipment for safe children's transport and to carry out preventive activities for children's safe participation in traffic.

Safety of children in playgrounds and playgroups - Although the competent ministries agree that the spatial, technical and personnel requirements of children's playgroups and playgrounds should be regulated, none of them has undertaken to prepare the proposal for a regulation addressing this issue. *The Preschool Education Act* envisages the possibility of organising early and preschool education programs (playgroups) in libraries and in health care, social, cultural and sports institutions as well as by associations, other legal persons and natural persons-sole traders, under the same conditions as kindergarten programs. However, the Office learned that children's playgroups were mostly opened as trades dealing with the organisation of birthday parties, child care and tutorials and registering their activity in the Trade Register as "other entertainment and recreational activities". Staff visits to playgroups proved that they are self-regulated when it comes to their arrangement, control of staff coming into contact with children and equipment. The Office of the Ombudsman for Children therefore plans to hold a meeting with the authorities competent for the said issues in order to adopt uniform regulations on the activities of children's playgroups, playgrounds and other areas for children's play.

Missing children - The Ombudsperson for Children's monitors issues related to missing children based on the media coverage and on her own initiative. During 2018, the Office monitored the Ministry of Interior's *National Records of Missing Persons*, available at www.nestali.hr, and requested reports on the actions taken by the police, institutions from which children ran away and social welfare centres regarding every child recorded as missing in randomly selected periods. The monitoring of the actions of competent authorities with regard to 24 children reported as missing showed that the database was not regularly updated and that some children were still reported as missing although they had been found. It is a cause of concern that the website rarely records the cases of foreign children gone missing. This creates an impression that these missing children are not paid enough attention, like children with behavioural problems, whose running away is believed to reflect their deviant behaviour and resistance to rules. The actions of competent bodies are not efficient enough as regards missing children with significant behavioural problems, which raises concern due to numerous risks for these children. The issue of missing children should therefore be addressed comprehensively, with activities aimed at strengthening the cooperation between the police, the social welfare system, the health care system, the educational system, the media and civil society organisations. The Office supports the establishment of a protocol on missing children.

Harmful and hazardous environmental impacts and other issues - The complaints about harmful environmental impacts regarded potential hazards to children's health stemming from a large construction site in the vicinity of a school, neglected tree branches and tree tops and the electromagnetic field effect created by devices located near children's homes, kindergartens and schools. The Office of the Ombudsman for Children monitored health hazards for children arising from the poor air quality in Slavonski Brod, which, unfortunately, did not improve and affects the quality of life as pollution limits are exceeded. Another health hazard for children in Slavonski Brod was the alleged pollution of water from the city's water supply system. Despite the ongoing implementation of the Ministry of Interior's preventive campaign "Peace and Good" (*Mir i dobro*) children were

exposed to risks while handling pyrotechnics. The Office is of the opinion that the sale and use of pyrotechnics should be banned and that their use should be restricted to manifestations and events. Parents also made complaints about the high sound volume in cinemas.

2.9 DISCRIMINATION

In 2017, the Office of the Ombudsman for Children acted on 38 complaints pursuant to the *Anti-discrimination Act*. The complaints were lodged by adults on behalf of children. In 14 cases the complaints were filed over discriminatory behaviour towards girls, in 13 cases over discriminatory behaviour towards boys and in 10 cases over discriminatory behaviour towards a group of children, while in 1 case the sex of the child is unknown. In 17 cases the complaints were related to discrimination in educational settings, 3 complaints were related to discrimination in sports, 3 complaints respectively concerned discrimination in access to goods and services, social welfare and multiple discrimination, 2 complaints were related to public information and the media, 2 to housing, 2 to health care and 2 to general discrimination, while 1 complaint concerned cultural and art activities. Most of the complaints concerned multiple discrimination (7), followed by complaints about disability (5), race, ethnicity or skin colour (4), age (3), health condition (3), marital or family status (2), financial situation (2) and religion (2), with 1 complaint respectively relating to national origin, education, political or other beliefs, social origin and sex. There were 5 complaints that had no grounds in the Anti-discrimination Act. Actions taken by natural persons were the grounds for 4 complaints, actions taken by legal persons were the grounds for 4 complaints, 13 complaints were filed over the actions of legal persons with public authority, 4 over the actions of public administration authorities, 6 complaints concerned the actions of local and regional self-government units and 7 were related to the actions of other bodies/persons.

2.10 OTHER RIGHTS AND LACK OF JURISDICTION

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In 2018, the Office received 26 inquiries and requests for action concerning matters that were out of the jurisdiction of the Ombudsman for Children. These mostly concerned alleged violations of the rights of adults in various systems. The submissions that were not related to the violations of children's rights were classified as "lack of jurisdiction" and notifications about proceedings before other bodies or complaints about the work of public services as "other". The submissions concerned problems related to the transfer of employees in the workplace, violations of rights in the procedure of employment in a kindergarten, a request for assistance with supporting an adult and providing assistance to an adult victim of domestic violence. The applicants were advised to solve their problems in accordance with regulations in the systems competent for their issues (labour relations, education, social welfare, family relations).

3 NETWORK OF YOUNG ADVISORS (NYA) - PARTICIPATION OF CHILDREN

The Network of Young Advisors to the Ombudsman for Children - NYA, is a standing advisory body to the Ombudsperson for Children, established in 2010. The NYA consists of 20 children from the whole of Croatia, aged between 12 and 18, appointed for a three-year mandate. The fourth NYA generation is now active, with their mandate starting in September 2017 and lasting until September 2020.

The NYA members act as advisors and associates to the Ombudsperson for Children, but also as her *ambassadors*, communicating information about the work of the NYA and the Ombudsperson to their peers and taking steps to ensure that they know their rights and the ways to protect them. Acting within the scope of their role as advisors, they inform the Ombudsperson about their views of the position of children in society and problems facing them in their communities and suggest possible solutions. In carrying out their advisory role they work closely with the Ombudsperson for Children and the adult staff members of the Office of the Ombudsman for Children, and they also exchange views and opinions via a closed online forum. Each member

of the NYA promotes and argues for his/her own point of view, acts on his/her own behalf, and does not represent any group, school or town. Children apply to the NYA membership on their own, based on a public tender.

In 2018, two two-day meetings and one one-day meeting of the NYA were held. The NYA members participated in a press conference and presented their recommendations on the education system reform submitted to the minister of science and education. They also participated in the presentation of the results of the survey "Children's Participation in the Educational System", as well as in various projects and in the **Eurochild conference "Building a better Europe with children: All aboard!"**, organised on the topic of children's participation in society.

Five NYA members participate in the work of **a think tank on children's rights and corporate social responsibility** - an advisory body of experts of various profiles who cooperate with the UNICEF in supporting children's rights. Their goals include raising the corporate sector's awareness about the potential impact of their business operation and decisions on children and their rights, whether through their treatment of their employees, children's parents, or through marketing practices, products and services and corporations' attitudes towards environmental issues. Two NYA members participate in the work of the **Advisory Committee on Children's Participation**, established on the initiative of UNICEF Croatia.

The recommendations submitted to the minister of science and education "**What Needs to Be Changed in School: in the Curriculum, Conduct of Lessons and Grading**" should be singled out among the NYA' achievements. The recommendations were presented at a press conference, held in *the Little House of Children's Rights* on 28th September, on the eve of the Children's Week. They were presented by three young advisors to the Ombudsperson for Children, who summarised discussions on the educational system reform carried out by the NYA members via the online forum and in meetings, which served as a basis for their recommendations aimed at achieving better schooling for all.

4 SPECIFIC AREAS OF PROTECTION OF CHILDREN'S RIGHTS

This chapter gives a detailed overview of the conditions and observed problems as well as of the activities and initiatives of the Ombudsperson for Children undertaken in the specific areas of the protection of children's rights that are of constant focus for the Office.

4.1 RIGHTS OF NATIONAL MINORITY CHILDREN

Most of the complaints about violations of rights of national minority children concerned violations of educational rights of Roma minority children, but they also addressed the exercise of the right to education of the children of Serbian ethnic background. Violations of national minority children's rights most often occurred in the educational system. In response to that concern, the Ombudsperson for Children convened a meeting with the representatives of educational institutions attended by national minority children and the representatives of civil society organisations engaged in the protection of their rights. The aim of the meeting was to more thoroughly analyse the education of national minority children in Croatia.

The educational system does not adequately address the following problems: insufficient flexibility in the process of secondary school enrolment; insufficient religious, historical and cultural curriculum content for various national minorities; translation of textbooks and certificates; keeping pedagogical documentation and other official records; the lack of expert associates; a higher schoolwork load of national minority students; the impossibility to obtain reimbursement for travel expenses when lessons are organised on Saturdays; peer violence and reduced possibilities for the participation of national minority children in educative activities. The Office of the Ombudsman for Children therefore considers it necessary that a multicultural and multiethnic curriculum be

developed at the national level with content important for the identities of national minorities in Croatia as constituent components of its overall identity. The amount of co-funding necessary to meet the needs of national minority children/students other than textbooks and teaching aids should also be increased.

The Office has continued to endorse the introduction of a mandatory and free of charge two-year preschool programme for Roma minority children. If more Roma children were included in the early childhood and pre-school education system they would learn the Croatian language more easily and develop better social skills by playing and hanging out with their peers. In addition to these areas, the Office also acted on the complaints related to health care rights, rights in judicial proceedings and economic rights.

4.2 RIGHTS OF CHILDREN WITH BEHAVIOURAL PROBLEMS

The following rights of children with behavioural problems are violated: the right to protection from violence and neglect, the right to receive adequate education, psychiatric treatment, adequate support and protection, the right to the protection of dignity and privacy, especially in the media, the right to express opinions and file complaints, notably in institutions. These children's rights are violated both in families and in institutions: in schools, during administrative and judicial proceedings, in social welfare homes and in places where they are deprived of liberty. **Educational institutions** still do not have mechanisms in place for the protection of rights of children at risk of and those who manifest behavioural problems. There is a shortage of experts in expert service departments and the number of social pedagogues in schools and in special classes for children with behavioural problems is also inadequate. Teachers and educators are not trained in recognising risks in children's lives and in conducting early interventions. The actions of employees are varying, most often consisting only of pedagogical measures. The Education and Teacher Training Agency states that the schools often only adapt the curriculum content to these children, but that they miss ongoing expert activities based on the assessments of needs of every child and the individual plans of educational measures. The interdepartmental cooperation is inadequate. Selective and indicated prevention programmes are not implemented often enough. Children with behavioural problems cannot exercise their rights to express their opinions on subjects that concern them. Pedagogical measures are repressive and there is a lack of alternative measures and restitution in the development of responsibilities.

In the area of **family law protection** the persisting issue is that experts in **social welfare centres** tend to be reluctant and slow in proposing to courts children's removal from families that neglect their educational and emotional needs, with the result that these children develop serious behavioural problems. Some courts, when deciding on removing a child from his/her family, do not adhere to the best interest principle or make wrong assessments, child removal proceedings take years, while the child continues to live in inappropriate conditions. It is necessary to improve interdepartmental cooperation and the multidisciplinary approach in the assessment of the best interest of the child and to develop **specialised foster care** for children with behavioural problems.

The most often violated rights of children with behavioural problems residing in **correctional institutions** are the rights to appropriate expert assistance and protection from violence. There is a lack of expert individual and group therapeutic work. The work is not appropriately structured, programmed and evaluated. Interventions are most often random and one-off, prompted by the instances of inappropriate behaviour. Therapeutic programmes for specific behavioural problems are not implemented and there is a shortage of psychotherapeutic help. There is a lack of capacities for the care and comprehensive treatment of children manifesting a combination of **complex behavioural problems, mental health difficulties, and, often, disabilities**, and due to the severity of their problems they are rarely accepted in children's homes. The protection of children in children's homes from all forms of violence is inefficient, envisaged legal measures are not implemented, especially regarding educational workers who act inappropriately and violently. It is necessary to improve measures aimed at preventing children from running away from educational institutions.

4.3 RIGHTS OF CHILDREN OF INCARCERATED PARENTS

The complaints related to this area were filed about **difficulties in the realisation of the children's right to contact and meet with their imprisoned parents** due to travel expenses, school absence, the unwillingness of the other parent or guardian to bring children to prison and dissatisfaction with the way the other parent cares for the child. These complaints show that some prisons lack dedicated facilities for children's visits or that children

prison visits are organised at the same time as adults' visits, so that even very small children have to queue for a long time to enter the prison and visit their parents. A continuing problem is **children's inequality in the prison system regarding the legal basis for their parent's deprivation of liberty**, i.e. the fact that, according to regulations, small children of female detainees, born in detention, are not allowed to stay with their mothers. Children whose parents are in detention and children whose parents serve their prison sentence do not enjoy equal visiting conditions. In addition, detainees do not have access to organised activities for the improvement of parenting skills or family relations. The Office was notified of violations of the right to privacy and dignity of children whose parents or relatives are in conflict with the law occurring **in the media**.

On the initiative of the Office of the Ombudsman for Children, the Prison Service Department of the Ministry of Justice about ten years ago started to make significant improvements to the protection of rights of children of prisoners in the prison system. The Prison Service Department also accepted most recommendations put forward by the Office. The pan-European campaign "Not My Crime, Still My Sentence", carried out every June, raises public awareness of the rights of children of prisoners. During the 2018 campaign, the Ombudsperson for Children called for the implementation of **Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents** and for supporting the maintenance of regular family relations in prisons. The Office expressed support to **ensuring conditions for video contacts** between children and their parents who are serving the prison sentence. The Office organised training on these children's rights and needs for the prison system employees; the Office staff members visited the Rijeka Prison, the Požega Penitentiary and the Lepoglava Penitentiary and continued **international cooperation** with the members of the *Children of Prisoners Europe* (COPE) network.

4.4 MEDIA AND THE PROTECTION OF CHILDREN'S RIGHTS

The right to the protection of privacy, the right to protection from harmful content and the right to safe access to information, along with the provision of quality media content for children and their participation in the creation of this content, were the main children's media rights that the Office of the Ombudsman for Children dealt with in 2018.

Children's rights are both affirmed and violated in the media. Publishers and broadcasters have to invest more effort into educating journalists and editors about media regulations and ethical guidelines on the protection of children's well-being in the media, which is their legal obligation. The situation will not improve unless the breaches of *the Electronic Media Act* in the area of protection of children's rights are regularly sanctioned: the Office of the Ombudsman for Children therefore recommended the Electronic Media Council to invest additional efforts into monitoring violations of children's right to the protection of privacy and their right to protection from harmful media content. The enormous rise in children's exposure to harmful content through media platforms that are not subject to electronic media regulations requires a more active implementation of initiatives for the protection of children, especially for their protection on social media networks.

The government has to systematically encourage the creation and dissemination of high-quality media content for children, attuned to the needs and sensibility of young generations. The Croatian Radio and Television is expected to meet its specific obligations in this regard and allocate more funds for this purpose. Some progress was achieved in the development of children's media literacy, primarily due to the efforts of the civil society sector and the Electronic Media Agency. However, these fragmented initiatives should be complemented by the stepped up activities of the Ministry of Science and Education aimed at making media literacy a compulsory curriculum subject.

4.5 CHILDREN ON THE MOVE

In 2018, the Office of the Ombudsman for Children received 11 complaints about the violations of rights of migrant children. According to the Ministry of Interior, 111 children of illegal migrants were in 2018 deprived of freedom of movement and placed in reception centres, which is unacceptable in the light of the comment of the UN Committee on the Rights of the Child that children should be enabled to remain with their family members and/or guardians at a location where they are not deprived of liberty. Unaccompanied children encounter the following problems: the lack of specialised accommodation facilities (social welfare institutions are unsuitable for their specific needs, while in the Reception Centre for Asylum Seekers in Zagreb their safety may be at risk); custody issues (they need full custody, as children without appropriate parental care); the lack of interpreters; the absence of a uniform transparent database and intersystem links; the (non-) realisation of

the rights to education, health care and family reunification (the procedure needs to be streamlined). In addition, there are differences between the realisation of rights to education and health care in Zagreb and in smaller communities.

4.6 FIFTEENTH ANNIVERSARY OF THE OMBUDSMAN FOR CHILDREN IN CROATIA

The year 2018 marked the 15th anniversary of the Office of the Ombudsman for Children. The Office organised a series of activities to demonstrate the contribution of children's participation to the mission and vision of the Ombudsman for Children and vice versa: how that mission focuses on children's activity and participation as well as on their right to voice their opinion and be taken seriously. Also presented are the past achievements of the Office in the promotion and protection of children's rights and the still unresolved challenges and open issues.

The Ombudsman for Children started work in 2003, when *the Law on the Ombudsman for Children* established a specialised and independent body for the protection, monitoring and promotion of the rights of children. The Office of the Ombudsman for Children operates in the main office in Zagreb, which also comprises the *Little House of Children's Rights*, and in regional offices in Split, Osijek and Rijeka. The Office employs a multidisciplinary team of experts, aided by the children from the Network of Young Advisors to the Ombudsman for Children. The goals, activities and outcomes are periodically evaluated in order to establish the best indicators for the protection of children's rights, and they are also verified through cooperation with international colleagues.

5 RECOMMENDATIONS OF THE OMBUDSPERSON FOR CHILDREN

The recommendations, warnings and proposals issued by the Ombudsperson for Children to institutions, bodies or legal persons are aimed at achieving the adequate level of protection of children's rights and interests. In addition to several hundred recommendations issued concerning the protection of rights of individual children or with regard to specific cases, in 2018 the Ombudsperson for Children also issued 76 general recommendations for the improvement of the protection of rights of all children or some groups of children. General recommendations were issued concerning the following areas: education (30), the protection of safety (7), the protection of privacy (7), the protection of children's property rights (6), the protection of vulnerable child groups (5), justice (5), health care (5), protection against violence (3), leisure time - sports (3), family law protection (1), and regarding other areas (4). At the beginning of the school year, the Ombudsperson for Children regularly submits consolidated recommendations and opinions to the Ministry of Science and Education concerning the rights and interests of children in educational institutions. The Ombudsperson for Children emphasises the importance of the children's right to participation and information, the execution of rights of some groups of children (children with behavioural problems, children with disabilities, national minority children, gifted children, children who change classes), the safety of school facilities, the protection of children from violence, unethical conduct and potentially harmful content, the removal of discriminatory content from textbooks, transport, quality diet and health care. It is also important to improve spatial and personnel conditions in some schools and to ensure safe school transport or safe routes to some schools and kindergartens. In addition to the realisation of children's rights in educational institutions, the recommendations were issued to competent authorities regarding the safety of children in traffic, playgrounds, playgroups and in sports as well as regarding the protection of children's privacy and their property rights and the protection of children from violence. The recommendations were also related to the protection of migrant children, child beggars, children of imprisoned parents, children whose parents are in a conflict relationship as well as to the right of children to attain the highest standard of health.

6 LEGISLATIVE ACTIVITIES

In 2018, the Office of the Ombudsman for Children participated in the procedures of enactment or amendment of 41 regulations on children's rights, including 125 individual proposals related to children's rights. The Office staff members participated in the work of working groups for the preparation of *the National Plan for Combating Trafficking in Human Beings 2018-2021*, *the Protocol on the Integration of Victims of Trafficking in Human Beings* and *the Missing Children Protocol*. The Office made 7 proposals for amendments, with the following goals: to ensure that perpetrators of sexual crimes against children do not come into contact with children in health care institutions, educational institutions and associations that carry out projects and programmes financed from public sources; to protect children from games of chance advertising and to protect children's economic interests in enforcement proceedings. The Office of the Ombudsman for Children participated in the enactment of 28 regulations by submitting proposals or opinions on draft regulations upon request from competent authorities or in the e-consultation procedure. The proposals and opinions were related to the following areas: education; justice, health, family law protection, sports and leisure time, children safety protection and the protection of children's property and status rights. No objections or proposals were submitted to 3 regulations.

7 RESEARCH ACTIVITIES

The Office of the Ombudsman for Children carried out four research surveys in 2018.

The survey "Children's Participation in the Educational System" - confirmed the importance of children's active participation in discussions on issues that concern their lives. All survey participants responded that, while children's school participation is important and welcome, the present method of work and organisation of life at schools do not encourage children's true participation in decision-making on relevant issues.

The survey on children and young people accommodated, placed and residing in homes for children without appropriate parental care and community service centres 2010-2017 - The quantitative part of the survey shows that the number of children and young people in social welfare institutions is still high and that competent institutions fail to implement legal actions in a timely fashion. The qualitative part of the survey indicates the need to improve the system of providing education and support to foster families and children, intensify work with families after the child has been removed to enable his/her return to the biological family, increase the participation of children in making decisions on the matters that concern them and provide better support to children exiting the care system. The survey also suggests that there is a need to improve the accessibility of placement services, adopt legislative amendments and considerably increase the number of personnel in the social welfare system.

The survey on children and young people accommodated, placed and residing in homes for children without appropriate parental care and community service centres in 2018 - also shows that there is a large number of children in institutional care. The Office is of the opinion that intensive efforts should be made to promote foster care in order to create conditions for the deinstitutionalisation of and transformation of homes and to accelerate the development of social service providers' networks.

As part of the monitoring of the protection of rights of children living on islands, the Office carried out **a survey on social welfare and family law protection on islands**. The results show that social workers encounter a lot of difficulties while performing family law protection tasks and confirm that children living on islands do not enjoy the same standards of protection as those living on the mainland so that that the system of their protection should be improved and reorganised. The long-term solution of the problems lies in the employment and education of experts and the deployment of mobile teams on islands and in other remote communities, coupled with the intensification of preventive activities and, in particular, with interdepartmental cooperation, which should provide a basis for all procedural protocols.

8 INSPECTION TOURS OF CHILD CARE INSTITUTIONS

In 2018, the Ombudsperson for Children and her deputies and advisors inspected 71 institutions and locations: 11 social welfare institutions; 1 social welfare centre; 2 shelters for victims of domestic violence; 2 reception centres for international protection seekers and irregular migrants; 44 educational institutions, 2 health care institutions, 2 playgroups, 3 penal institutions and 4 other locations.

9 OTHER ACTIVITIES RELATED TO THE PROTECTION AND PROMOTION OF CHILDREN'S RIGHTS

The Office of the Ombudsman for Children organised 25 conferences in 2018. The Office was the only organiser of 19 conferences, while 6 conferences were organised in cooperation with other organisers. Especially important were the events that marked the 15th anniversary of the Ombudsman for Children in the Republic of Croatia: the exhibition "I Know and I Respect Children's Rights: I Think, I Speak, I Participate" (Ethnographic Museum, Zagreb, 20th November to 14th December 2018) and the presentation of the survey research on children's school participation and on children in alternative care and deinstitutionalisation. The Office published a richly illustrated catalogue of the mentioned exhibition and the calendar for the year 2019 "I Know and I Respect Children's Rights", featuring illustrations by art school students. The Office staff members held 55 lectures at conferences in Croatia and published 13 articles in various publications. The Office cooperated with numerous institutions and organisations. *The Little House of Children's Rights* hosted meetings of the Ombudsperson for Children with children and numerous events aimed at the promotion of children's rights, organised both for adults and children. This area was also used by other organisations and associations, so that a total of 32 such events were organised, including the events organised by the Office of the Ombudsman for Children.

10 MEETINGS, INTERVIEWS AND COOPERATION WITH CHILDREN

The Ombudsperson for Children highly values meetings with children, considering them as a source of information on the realisation of children's rights, children's views, observations, ideas and proposals for the improvement of the realisation of their rights. The discussions with children take place during visits to children's institutions and during various events, manifestations and programmes in which they participate as well as through work with the Network of Young Advisors to the Ombudsman for Children (NYA). *The Little House of Children's Rights* offers the possibility for group work and the organisation of workshops, which significantly improves the quality of meetings with children.

11 INTERNATIONAL COOPERATION

The international cooperation comprises the activities of the Ombudsperson for Children carried out in cooperation with international organisations, bodies and organisational networks, through bilateral cooperation with various representatives of international organisations, institutions, bodies or independent experts as well as through participation in international conferences. In 2018, the Office cooperated intensively with the European Network of Ombudspersons for Children (ENOC) and the *Children of Prisoners Europe* (COPE) and Eurochild.

12 OTHER ACTIVITIES OF THE CENTRAL OFFICE AND REGIONAL OFFICES

The Office of the Ombudsman for Children carries out its tasks at four locations: in the main office in Zagreb and in regional offices in Split, Osijek and Rijeka, which ensures proper accessibility of the Ombudsperson to those filing complaints about violations of children's rights and facilitates fulfilling the needs of children in local and regional self-government units.

The protection, monitoring and promotion of children's rights are realised by holding meetings with children, cooperating with institutions and experts dealing with children's rights, visiting children's residences and participating in conferences. Citizens can contact the Office on a daily basis, report on the violations of children's rights and obtain advice and information on the possible course of action. The full Report on the Work of the Ombudsman for Children for 2018 provides a detailed explanation of the Office's method of work, accompanied by data on the areas of violations of children's rights.

13 ORGANISATIONAL STRUCTURE AND FINANCES

The Law on the Ombudsman for Children, the Rules of Procedure of the Ombudsman for Children and the Ordinance on the Internal Organisation of the Office of the Ombudsman for Children lay down the scope of operation, the organisational structure and the number of civil servants required for the work of the Office. The new *Rules of Procedure of the Ombudsman for Children (Official Gazette 49/2018)* were adopted in January 2018, and the new *Ordinance on the Internal Organisation of the Office of the Ombudsman for Children* in June 2018. The Office comprises Expert Services Department and the General Services Department, which, in addition to the Ombudsperson for Children, Helenca Pirnat Dragičević, two Deputies, MSc Marija Gabelica Šupljika and Ivana Buljan Ajelić, on 31st December 2018 employed 16 civil servants, out of 23 initially required. Although the Office operates with fewer employees than necessary, no new employees were hired in 2018. As *the Ordinance on the Internal Organisation* envisages the hiring of new employees, two new employees with university degrees were hired at the beginning of 2019. The Office of the Ombudsman for Children carries out its tasks at four locations: in Zagreb (Nikola Tesla Street No. 10), in Osijek (Petar Preradović Boulevard No. 7), in Split (Braće Kaliterna Street No. 10) and in Rijeka (Trpimir Street No.2). The business premises are owned by the Republic of Croatia and made available for use by the Office. These premises are suitable for the realisation of the work programme. *The Little House of Children's Rights,*

situated on the ground floor of the Zagreb Office building, provides very good conditions for work and meetings with children and for the activities of the Network of Young Advisors.

In accordance with the 2018-2020 Strategic Plan and the Work Plan and Programme for 2018, the budget of the Office of the Ombudsman for Children for 2018 was **HRK 5,301,006.00**. The budget execution rate was 94.71% (**HRK 5,020,643.55**). The Annual Financial Statements of the Office of the Ombudsman for Children for 2018 were compiled within the prescribed legal deadline and submitted to the State Audit Office and the Financial Agency.

14 CONCLUSION

Despite efforts undertaken to enhance the well-being of children in order to come closer to the standards of developed countries, the Republic of Croatia, unfortunately, has continued to be at the lower end of the rating scales that assess progress achieved in this area, and the ratings are especially unfavourable for children's health care, social care, protection and education.

Therefore, in spite of advances made in some areas of children's rights, the balance between measures, initiatives and processes aimed at improving children's rights that were implemented and those that failed to be implemented in 2018 unfortunately remained negative. This especially applies to the implementation of regulations in practice.

Children growing up in Croatia are faced with a great inequality, which is not addressed systematically. Vulnerable groups of children are affected the most by this inequality, as shown in this Report.

Care for children mostly falls under the competence of local communities, whose capacities and resources for the promotion, protection and execution of children's rights vary. Therefore, the realisation of children's rights to a great extent depends on children's places of residence. The uneven access to services for children and families across counties, cities and municipalities causes inequality among children from their earliest age. Children with neurodevelopmental risks and children with disabilities are especially disadvantaged, being deprived of early-childhood intervention services, whose accessibility depends on the conditions and decision-making in local communities, a fact pointed to in previous Reports. The postponement of the establishment of a national body competent for the coordination and implementation of the early childhood interventions strategy in 2018 further slowed down the changes that need to be made in order for all children with disabilities to realise their rights.

The type and number of complaints received show that the society still has no solution for the provision of support to children and parents in high-conflict divorces, which sometimes become media sensations. The inclusion of the media and the public in the resolution of such problems proved to be ineffective, hindering and hurtful to children. In my opinion, increasing the number of experts and improving their work conditions are crucial for the realisation of the children's right to live with parents and enjoy parental care during family crises.

The complaints related to violations of children's educational rights remained the second most common complaints, indicating the need for urgent and expertise-based changes in the area of education. Violations of educational rights, children's poor school results (compared with other countries participating in PISA tests), school violence, low participation of children in decision-making in schools and their dissatisfaction with the school system are problems still waiting to be systematically addressed so that these negative trends could be reversed.

Another area that requires special attention is the protection of children from violence and neglect. Children are aware of a widespread tolerance towards violence, and adults, unfortunately, do not set a good example - it occurs in the family, on stadiums, in the media and even in places where political decisions are made. Children in Croatia suffer violence and neglect, most often with the silent approval of people close to them. I would therefore like to underline that it is the duty of all adults to report violence against children and neglect of children whenever there are any indications of such unacceptable behaviour. Due to domestic violence and neglect children enter a vicious circle of poor life choices, peer violence, behavioural problems and even conflicts with the law. Professional support should be provided extensively to all children who have suffered any kind of violence. In addition, I call upon the competent ministries to apply, as soon as possible, expertise-based programmes for the prevention of domestic violence and violence among children.

The increased awareness and commitment of the society towards the protection of children from sexual violence and exploitation is not accompanied by a satisfactory level of protection of children. Legislative changes have not led to the establishment of an appropriate legal framework for the protection of children. Other causes of concern include the inadequate implementation of regulations, lenient sanctions, failure to impose safety measures and an inefficient system for the supervision of perpetrators. Unfortunately, children have no equal access either to programmes for the prevention of sexual violence and exploitation or to support and assistance programmes once the act of violence has been committed. I therefore call upon the competent bodies to eliminate the mentioned deficiencies and problems.

The long-standing low efficiency of the judiciary in proceedings on children's rights raises concern. Due to the long duration of judicial proceedings, the inefficiency of enforcement proceedings, divergent case law and the slow resolution of complex family law relations, children are not adequately protected. I call upon the competent bodies to make additional investments in courts' technical equipment and personnel as well as in the high-quality and continuous education of experts who come into contact with children. Children participating in judicial proceedings, regardless of whether these are criminal, minor offence, civil or administrative proceedings, must have an equal access to systematic support and assistance.

Every child in Croatia has a right to health care; however, the execution of this right has become increasingly complex for parents and custodians. Tragic deaths of children that may have been avoided, hindered access to medication for chronically ill children and the return of the already eradicated diseases caused by a decline in the vaccination rate are just some consequences of the inadequate health care for children. Health care is difficult to access for children living in small towns, children living in families on the brink of poverty, chronically ill children and child asylees and asylum seekers. The competent sectoral bodies need to invest additional efforts into the improvement of conditions and accessibility of health care for all children and into raising public awareness on the importance of vaccination.

A longitudinal survey on the rights of children placed in institutional care, carried out by the Office of the Ombudsman for Children in cooperation with experts, calls for urgent action on the part of the competent ministry and social welfare experts. Although problems are already known, the recommendations of experts based on the conducted survey can help to improve the lives of children in these institutions.

I would like to put an emphasis on the National Reform Programme of the Government of the Republic of Croatia, which sets as priorities deinstitutionalisation and the promotion of foster care. A public campaign for the promotion of foster care for children is a good example of cooperation between foster families, sectoral bodies and the media to the benefit of the most vulnerable children's groups. However, the campaign will not suffice unless the social welfare system is ready to welcome new foster families. Experts specialising in this field should be hired to achieve this goal.


Difficulties in the adoption of children continue to hinder achieving permanent solutions for children whose biological parents are unable to care for them. This area, in my opinion, requires the quality cooperation between the judicial and social welfare systems.

The early identification of the needs of children living in poor families and the provision of support cannot alleviate the negative effects of poverty on children's development. I therefore call for the adoption of additional measures to protect children from poverty and its impact on the development of their potentials.

Research surveys and data show that Roma minority children are among the most deprived child groups in Croatia. Roma children are often deprived of adequate health care because their families are so poor that they cannot afford visiting the physician. Only a small number of Roma children attend preschool education programmes, which are necessary for the successful education of children. However, there are examples showing that, with increased efforts on the part of local communities, progress can be achieved.

For a long period of time, the Ombudsman for Children has advocated the introduction of media literacy education for every child. The increased presence of the media in the lives of children and adults raises concern given that only a small number of citizens has received media education. I therefore call upon the Ministry of Education to step up its efforts to assist children in making their way through various media, putting an emphasis on the development of critical thinking.

In the year 2018, my priorities were to communicate with children as much as possible and to hear their views as well as to inform them about the activities of the Office of the Ombudsman for Children. I achieved this goal with the help of the members of my Network of Young Advisors, who provided me with a direct insight in the realisation of rights of children in Croatia and their views regarding obstacles and solutions. The research survey on the participation of children in the educational system suggests that children believe that adults do not con-



sider them competent enough to make decisions on the matters that concern them. I therefore call upon the competent ministry to invest additional efforts to promote the right to participation in the educational system. In my future work, I will continue to promote the meaningful participation of children in the process of making decisions on the matters that concern them, at all levels.

Although children's rights have been part of legal frameworks in the whole world for almost three decades, the general public and even some experts are still not quite familiar with them. This is why an important task of the society as a whole is, in my view, to step up efforts to disseminate information and knowledge on children's rights among children and adults. On this occasion I call upon decision-makers, associations and experts to increase their commitment to the fulfilment of this important social task in the year 2019, which marks the 30th anniversary of the Convention on the Rights of the Child.

I hope that the problems listed in the Report will provide guidance and stimulus to all competent bodies, social structures and individuals working with children to continue with their activities in the best interest of children and thus improve their position in the society and protect their rights.