



SUMMARY

Report on the Work of the Ombudsman for Children for 2019



OSLONI SE NA DJEČJA PRAVA
i ništa ne brini.
TVOJA PRAVA NA
OBRAZOVANJE, SLOBODNO
vrijeme, igru, pristup
informacijama i brojna
DRUGA, ŠTITOM OD
JASTUKA BRANI
HRABRI VITEZ PRAVKO.

the illustration on the cover page "Knightly Knight of Rights" is the work of the student Nikola Pavošević, made as part of the project "Lean on Children's Rights", realised by the Office of the Ombudsman for Children in cooperation with the Osijek School of Applied Arts and Design to commemorate the 30th anniversary of *the UN Convention on the Rights of the Child*. The motif of the illustration was applied to T-shirts, bags and pillow cases made by the student cooperative of the Osijek School of Applied Arts and Design.

(Text on the illustration: *Lean on children's rights and do not worry about a thing. Your rights to education, leisure time, access to information and many others are protected by the cushion shield of the brave Knightly Knight of Rights*).

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Introduction

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The Office of the Ombudsman for Children dedicated the year 2019 to marking the 30th anniversary of *the Convention on the Rights of the Child*, continuing to ensure the exercise of children's rights in our society. However, the previous year will unfortunately be remembered by all child victims of violence, which in most cases could have been avoided. The seventeenth 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*, presents achievements, oversights and changes relating to the state of children's rights from the perspective of the Office.

In 2019, due to increased advocacy and action, the first clear indication emerged regarding the amount of investment in children by the Republic of Croatia at the national level: the Ministry of Demography, Family, Youth and Social Policy published the first child budget for the period 2019-2021. This is the first important step in the analysis and monitoring of the efficiency of investing in children by which the Government of the Republic of Croatia implemented one of the important recommendations of the UN Committee on the Rights of the Child of 2014. The Office of the Ombudsman for Children expects that in the next phase an overview of real allocations at the national, local and regional levels will be enabled. This is the only way to ensure that the resources earmarked for children are visible in budgets and protected from cuts and austerity measures in the forthcoming crisis.

In 2019 the Office received almost 10% more new complaints, inquiries and requests than in the previous year. In total, 1,741 new cases were opened, and 933 cases were transferred from the previous years, because they require a several-year monitoring due to their complex and specific nature. This Report comprises 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 other initiatives and activities related to the monitoring, protection and promotion of children's rights.

Among these initiatives I would like to highlight the marking of the 30th anniversary of *the Convention on the Rights of the Child* and participation in the evaluation of the Council of Europe's Strategy for the Rights of the Child (2016-2021).

Words and expressions used in the text of the Report refer equally to the male and the female sex.

The largest increase in the number of complaints, inquiries and requests was registered in the area of children's safety and protection and in the area of educational rights. This year was marked by a sharp increase in the number of deaths of children in traffic accidents and by difficulties in the education system that culminated in a long strike, as well as by the already present problem of the inaccessibility of education to certain groups of children and continued stagnation in the quality of education.

Among our initiatives I would like to emphasise *the Special Report on Threats to Children's Rights in Correctional Institutions*, which was discussed by the Health and Social Policy Committee of the Croatian Parliament. The Report highlights the fact that children with behavioural problems residing in these institutions live in unsuitable conditions and do not receive appropriate support or treatment, which causes further difficulties. Therefore, the Office required the drafting of an action plan for the protection of their rights.

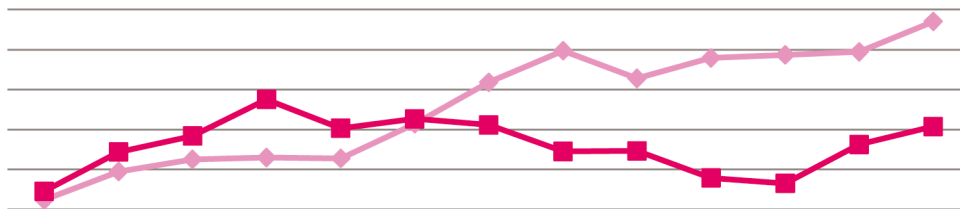
Serious violations of children's rights in families in 2019 resulted in children being more frequently removed from their families because of parental neglect and abuse. Due to the lack of foster families, children were more often placed in social welfare institutions. These are only some of the identified trends and challenges, which are presented in more detail in the Report for 2019.

I would like to thank all the young advisors, members of the NYA, for their suggestions and opinions, which helped me better understand the needs of children and make better recommendations and decisions in 2019. I believe that all persons who work with children and for children can considerably improve their work if they make themselves open to a dialogue and collaboration with children when searching for the solutions of their problems.

This Report is a result of the dedicated teamwork of the advisors and employees of the Office. In our work we often question what could have been done better or differently. I would like for this Report to inspire all stakeholders in the system of protection of children's rights and well-being to question and challenge themselves, so that all of us can fulfil our obligations towards children.

Ombudsperson for Children
 Helenca Pirnat Dragičević, LLB

Total number of complaints of individual violations of children's rights (DP) and general initiatives (DPR) for the period from 2007 to 2019



	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
DP	847	989	1050	1059	1054	1228	1436	1595	1456	1558	1573	1588	1741
DPR	890	1086	1167	1350	1205	1253	1223	1090	1092	956	929	1125	1215

Complaints of individual violations of children's rights from 2007 to 2019

INDIVIDUAL RIGHTS	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Personal rights	557	635	625	687	636	753	701	742	702	711	726	690	737
Rights of children as members of society	13	13	13	11	6	11	11	12	12	29	29	38	32
Educational rights	105	121	187	153	159	161	262	273	239	296	310	318	391
Health care rights	22	32	35	21	25	28	107	257	184	161	155	173	137
Social rights	26	31	48	29	43	42	55	60	42	39	41	45	46
Economic rights	57	56	55	72	79	93	90	77	77	87	89	68	74
Cultural rights	11	15	11	10	8	19	26	22	37	23	32	39	34
Rights in judicial proceedings	30	37	33	38	55	61	81	62	67	96	97	72	81
Children's safety and protection			12	12	15	13	25	26	36	51	31	81	130
Discrimination			3	3	6	16	25	24	20	18	20	38	42
Lack of jurisdiction			22	19	16	26	42	38	39	41	42	21	29
Other	26	49	6	4	6	5	11	2	1	6	1	5	8
TOTAL	847	989	1050	1059	1054	1228	1436	1595	1456	1558	1573	1588	1741

Monitoring Individual Violations of Children's Rights

In 2019 the Office of the Ombudsman for Children acted on 1,741 complaints about individual violations of children's rights. The Office also processed 933 cases transferred from the previous years, mainly relating to family relations and education.

Individual violations of children's rights - 2019

INDIVIDUAL RIGHTS	Pending cases transferred from previous years	Cases opened in 2019	Number of children in 2019	
			Number of children	Child groups
Personal rights -total	418	737	1064	50
Rights of children as members of society	12	32	23	14
Educational rights	213	391	311	125
Health care rights	38	137	141	18
Social rights	31	46	73	2
Economic rights	62	74	113	12
Cultural rights	30	34	15	20
Rights in judicial proceedings	45	81	109	5
Children's safety and protection	59	130	108	42
Discrimination	16	42	29	17
Lack of jurisdiction	8	29	35	3
Other rights	1	8	8	1
TOTAL	933	1741	2029	309

The complaints concerned 2,029 children (929 boys, 819 girls and 281 children whose gender was not indicated) and 309 child groups.

Most of the complaints were filed by the children's parents (883), in 557 cases by mothers, in 252 by fathers and in 74 cases by both parents. Institutions filed 396 complaints, mostly schools and kindergartens (97), followed by ministries, agencies and inspectorates, with most of them involving notifications from the State Inspectorate (64) about parents refusing to have their children vaccinated. Police departments reported cases of traffic accidents involving children (41). The Office also received complaints from social welfare centres (17), associations (14) and other entities.

Children contacted the Office personally in 16 cases. They complained about the unjust grading and unprofessional conduct of school staff members, about the conduct of social workers and foster parents as well as about the system's inefficiency in awarding child support. Children also sought advice in connection with high-conflict parental relationships, when they wanted for their opinion to be heard when deciding which parent to live with, as well as concerning disputes with parents regarding the use of funds from their scholarships or rewards. Children also contacted the Office to express their concerns because of the teachers' strike and its consequences for catch up lessons and the national graduation exam.

The majority of the complaints received in 2019 concerned educational rights (391), the exercise of parental responsibility (340), violence against children and child neglect (281), health care rights (137) and the right to safety and protection (130). These were followed by the complaints related to violations of children's rights in judicial proceedings (81), the right to protection of privacy (76), economic rights (74) and social

rights (46) as well as the complaints of discrimination (42), violations of cultural rights (34) and the rights of children as members of society (32). The rest of the complaints concerned violations of children's status-related rights: the right to registration of birth, registration of residence and acquisition of citizenship (20) and violations related to foster care, adoption, custody issues and other issues (25).

2.1 Personal rights

A total of 737 complaints concerned children's personal rights, as broken down in the table below.

Personal rights - 2019

PERSONAL RIGHTS	Pending cases transferred from previous years	Cases opened in 2019	Number of children in 2019	
			Number of children	Child groups
Right to life	3	3	6	
Right to know the biological origin	5	6	6	
Right to birth registration	7	11	11	1
Right to a name	1	1	1	
Right to the acquisition of citizenship		2	5	
Right to live with parents and enjoy parental care	208	340	519	4
Adoption	1	5	13	
Right to protection from violence	130	208	305	22
Neglect	47	73	110	2
Custodial issues		1	1	
Foster care issues	2	8	10	
Child's right to privacy	14	76	73	21
Other		3	4	
TOTAL	418	737	1064	50

Right to life - The complaints about violations of the child's right to life mainly concerned cases of serious criminal offences against children (murder, attempted murder, infanticide) or self-injury and self-harm as well as other harmful circumstances. In 2019, the Office recorded 3 cases of violations of the right to life, concerning a total of 6 children.

2.1.1 STATUS-RELATED RIGHTS

The complaints of violations of children's status-related rights (20) were related to **parental conflicts about parental care and child representation**. Since those are fundamental children's rights, proceedings with the view of realising children's status-related rights must be prompt and efficient. In certain cases, insisting on referring such cases to court, which has to be preceded by mandatory consultations at social welfare centres, significantly delays the execution of children's rights; the delay is also often caused by the inability of competent authorities to properly implement regulations.

Right to international protection - In 2019, the Ministry of the Interior registered 765 children seeking international protection, and 70 of them were unaccompanied by a parent or a guardian. International protection was granted to 70 children, among whom only 1 child was unaccompanied. Of all the applications processed, 8 were rejected on the basis of the safe country of origin principle, 1 was rejected because it was established that another country was responsible for the reception of the child, and 36 processes were suspended because children voluntarily left institutions in which they were accommodated.

According to the Ministry of the Interior data, the regulation of **the residence status of children of foreign nationals** in most cases has a positive outcome. Out of the total of 1,522 applications for temporary residence permits for children born outside the Republic of Croatia 5 were rejected, and out of 299 applications for temporary residence permits for children born in Croatia none were rejected. The permanent residence status was granted to 64 out of 125 children for whom such status was required.

2.1.2 RIGHT TO PRIVACY

The Office processed 76 cases of individual violations of the child's right to privacy. In addition, there were as many as 125 complaints of violations of other children's rights (e.g. educational rights, rights in judicial proceedings, health care rights or participation rights) that also involved violations of the child's right to privacy and dignity. The majority of the complaints concerned violations of children's privacy in the media, especially social media, followed by their privacy in institutions - schools, kindergartens and hospitals, sports clubs and other places as well as in the family. Parents complained about natural and legal persons, including institutions where children were temporarily or permanently accommodated, which violated the children's right to protection of personal data or privacy. Due to a number of violations of children's privacy and dignity, the Office of the Ombudsman for Children issued opinions/recommendations regarding the protection of the children's right to privacy and dignity. Citizens and institutions should be systematically and continuously informed about the need to protect children's personal data and methods to protect them. It is also necessary to adopt regulations, codes and guidelines on privacy protection.

2.1.3 RIGHT TO LIVE WITH PARENTS AND ENJOY PARENTAL CARE

Out of the total of 737 complaints regarding violations of personal rights, the majority concerned the child's right to live with parents and enjoy parental care (340), which includes **the exercise of parental responsibility** (242), **the restriction or termination of parental responsibility** (66) and **child support** rights (32). Violations of the child's right to live with parents and to enjoy parental care are most often related to parental disagreements about the organisation of the child's life after the dissolution of the family unit and/or divorce and concern the treatment of the child by the other parent or a relative and **the work of competent authorities**. The complainants consider the employees of social welfare centres, judges, persons responsible for family law protection measures and experts to be biased, uninterested and slow to act, while also expressing their distrust in the system, which they judge unable to correctly assess and protect the child's best interest in particular cases.

Exercise of parental responsibility - Out of the total of 242 cases, 129 were related to violations of the right to joint parental care, 97 complaints concerned parental care decisions and 16 concerned children's meeting and spending time with family members. The complaints often concerned **high-conflict divorces**, the impossibility to reach an agreement about issues concerning the child and poor parental communication. The actions and opinions of institutions regarding the manipulation of children in high-conflict divorces are not uniform, which can result in the child being for a long period of time intensely exposed to the harmful actions of parents and close family members. The option to adopt temporary measures in order for the parents to maintain personal relationships with children or to exercise parental responsibility is not exercised often enough.

This problem is even greater in small and isolated communities due to the lack of experts and support systems, counselling centres, schools for parents and mental health experts.

Restriction of parental responsibility - When a child is removed from the family it is important for experts to work with the parents in order to make them aware of their responsibility for the child's accommodation outside the family, make them change their behaviour and help them develop new skills so as to have the child returned to the family. Unfortunately, children tend to remain in institutions for several years. As regards children placed in **social welfare homes for children with behavioural problems** it is evident that there is a lack of initiative for early interventions, due to which children too long remain in unfavourable and risk environments. The majority of the complaints related to **the termination of parental responsibility** result from parents' dissatisfaction with an adopted decision or with initiating the procedure for adopting a decision. Social welfare centres rarely decide to institute proceedings before competent courts, and even when they do, the proceedings are often prolonged.

2.1.3.1 Foster care, deinstitutionalisation and adoption

The following difficulties are encountered in the area of protection of the rights of children without appropriate parental care: **an increase in the number of children in institutions** and a great number of requests for placement in institutions; an uneven territorial distribution of foster families; the lack of professional foster care; an even smaller number of foster families than before; **the lack of foster families** is even more evident in urban areas, especially in large cities; the lack of specialised foster families trained in the care of children with behavioural problems and those with specific physical or mental difficulties.

There is also a lack of foster families for the placement of children in crisis situations and children up to three years of age. The fact that foster parents are generally quite old and have a low education also poses a problem, as well as the lack of support for foster parents (but also for children and their biological families), insufficient training and supervision, the uneven quality and monitoring of services provided by foster families and, finally, the fact that children are not involved in making decisions that concern them. It is necessary to invest more in the development of services for children, young people and families at risk in the local community, organise half-day and full-day classes that will be more accessible to families and continue work on promoting foster care. Families at risk need to receive appropriate financial aid to avoid removing the child from the family due to poverty.

Adoption - On the 31st December 2019, 75 children **who met legal adoption requirements** were placed in homes for children without appropriate parental care and community service centres. In 2019, 25 children were adopted, 3 more than in the previous year. The number of children in institutions who meet adoption criteria is still high. Among them are children in whom potential foster parents are not 'interested' and children who are against adoption and whose opinions need to be respected. There are many cases of brothers and sisters placed together in institutions who meet adoption criteria, but there are no potential foster families to adopt them together and they do not want to be separated. In such cases it is necessary to assess the best interest of each child and, in line with legal regulations, allow them to express their opinion.

Foster families complained that children's privacy was indirectly jeopardised by regulations governing the personal identification number (OIB), so that the Office proposed to the Ministry for Demography, Family, Youth and Social Policy and the Ministry of Finance to amend these regulations in order to ensure that adopted children are assigned new OIBs before the *Family Act* enters into force, if that is in their interest.

The increase in the number of children without appropriate parental care accommodated and placed in institutions shows that *the Plan for Deinstitutionalisation, Transformation and Prevention of Institutionalisation 2018-2020* did not produce expected results and that families with children need better and more efficient support services, along with the promotion of adoption, standardized education of foster parents and support for foster families, children and their parents.

2.1.3.2 Child support

There were 32 inquiries and complaints concerning child support. There is still a large number of children who do not receive child support from their parents or other persons responsible for their financial support, and some children do not receive any aid from the government either. The Office of the Ombudsman for Children has no knowledge of the stipulated amount of child support for children who are left without financial support due to a parent's incapacity to work or death. In the cases when children do not succeed in receiving the support to which they are entitled, government aid is insufficient (temporary support amounts to 50% of the statutory minimum child support amount) and it is time-limited. The system has still not found a solution in the cases when child-support debtors fail to comply with their obligation to pay child support. Therefore it is necessary to continue educating experts from various institutions and raising their awareness, to amend a number of regulations and to protect the interest of children whose parents are incapacitated for work.

2.1.4 RIGHT TO PROTECTION FROM VIOLENCE AND NEGLECT

The Office received 281 complaints of violence and neglect towards children, concerning 415 children. The majority of the complaints, 208, were related to violence against children, and 73 to neglect.

Complaints involving violence and neglect 2015 - 2019

	2015	2016	2017	2018	2019
Domestic violence	68	68	61	62	97
Violence in educational institutions	68	79	90	68	82
Violence in other institutions	2	8	11	10	6
Other forms of violence	40	42	41	39	23
Neglect	69	75	82	54	73
TOTAL	247	272	285	233	281

2.1.4.1 Domestic violence and child neglect

There were 97 complaints related to domestic violence (56% more than in 2018), which often referred to inefficiency, failure to act promptly, partiality in favour of the other parent or insensitiveness on the part of some professionals. It is realistic to assume that the real number of cases of violence is much greater and that a large number of cases is not reported because of fear, shame, distrust in the system and failure to recognize violence. Along with the increasing number of cases of violence it is also a worrying fact that the violence is becoming more severe. The large number of serious cases has provoked public criticism of the system's efficiency to protect children's rights and its capacity and ability to timely identify and prevent potential risks, because in some situations undetected risks have led to serious child casualties.

Domestic violence can be successfully combated only by additional and continued investments in its prevention, the strengthening of institutions working on protection against violence - through education, supervision and employing an additional number of experts - as well as by their coordinated action. In order to protect children it is crucial to identify risk factors on time and to report them to competent institutions. Furthermore, all parts of the system need to act resolutely and offenders must be adequately and promptly sanctioned.

2.1.4.2 Violence in educational institutions

The Office received 82 complaints concerning violence in educational institutions, 8 of which concerned the instances of violence in kindergartens and 74 in primary and secondary schools. A total of 61 complaints concerned peer violence, out of which 4 cases were reported in kindergartens. The office received 20 complaints regarding violence of adults against children, with 11 of these complaints concerning school employees and 5 concerning other adults in the school areas.

The reactions of schools to **peer violence** are uneven and so are their preventive activities. **Prevention programmes** are not scientifically based or evaluated, **pedagogical measures** are not accompanied by expert interventions for children, and measures taken by schools in cases of violent behaviour are sometimes insufficient and not in line with regulations. Professional and pedagogical supervisory examinations carried out by the Croatian Education and Teacher Training Agency confirm that reactions are neither prompt nor professional and that education workers demonstrate a lack of knowledge and uncertainty. Expert service departments in kindergarten and schools are understaffed, while the system does not provide for new employment.

Psychological violence among children in schools are also occurs frequently (including insults, disrespect, humiliation, exclusion), both in person and online. Schools often fail to recognize such violence and do not take adequate measures targeting children - both victims and offenders. There are also cases of inappropriate sexualised and violent behaviour that is humiliating for children, and children who perpetrate such behaviour consider it amusing. Children also exchange inappropriate photographs and videos, which in certain cases can be qualified as a criminal offence.

In 2019, the Ministry of Science and Education adopted *the Action plan for the Prevention of School Violence for the Period 2020-2024*. The Office of the Ombudsman for Children participated in the drafting of the plan and expects its implementation, with greater consideration given to children's opinions and proposals.

2.1.4.3 Violence in other institutions and other forms of violence

The complaints received also concerned violence against children in **social welfare homes, institutions for children with disabilities, sports clubs, neighbourhoods, public transportation in churches, on the street and in other public areas**, committed both by children and adults. As reported by the media and disclosed in conversation with children, peer violence occurs regularly in **correctional institutions**, but there is no appropriate response from adults: protection, preventive activities and interdepartmental cooperation on determining its consequences. The complaints of violence and inappropriate communication in **sports clubs** show that work with children in sport is not sufficiently regulated. The complaints of violent and inappropriate behaviour of security guards in stores towards children suspected of or caught shoplifting point to the necessity of regulating conduct towards children in such situations, in accordance with their age. The violence of **neighbours** against children is most often verbal and stems from unstable relationships between adults. The cases of serious violence against children committed in the family or by **mentally ill individuals** also indicate that the protection of children is substandard.

2.2 Rights of children as members of society

The 32 complaints received mostly concerned protection from potentially harmful information. These complaints are often connected with children's encounters with politicians or with children's exposure in activist groups' messages, which can admittedly constitute a form of children's participation, but can also be interpreted as the exploitation of children for political gain. The complaints also concerned the children's right to participation, provided that they are capable of forming their own opinion about family law related issues and issues at school, as well as the right to freedom of thought, conscience and religion.

The main problems in this area continues to be the absence of knowledge and understanding of the purpose of the child's right to participation in society as well as the low qualifications of adults for communicating and working with children towards the realisation of this right. It is necessary to change social attitudes about children as passive objects shaped by decisions made by adults and to create room and atmosphere allowing for the children's participation, which is the responsibility of adults. Children have to be included, in a meaningful and age-appropriate manner, in decision-making processes and discussions about public policies relevant to them, and all children have to be able to exercise their right to participation. In line with the recommendations of the UN Committee on the Rights of the Child, it is crucial to systematically educate experts on the children's right to participation in all systems that work with children and for children (justice, social welfare, education), both in the local community and on the national level.

2.3 Educational rights

The Office received 391 complaints regarding individual violations of children's right to education. In contrast with the previous years, **this year these complaints were the most numerous**. The increase in the number of complaints in this area was probably due to a large number of complaints related to the strike in educational institutions (72). The bulk of the complaints filed involved the violations of rights of children in primary education (257), followed by the complaints relating to preschool education (83) and secondary education (51). There were 119 complaints of 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; the adequate education of children with disabilities and the strike in educational institutions.

There are big differences in accessibility at all levels of the educational system as well as regarding programmes, facilities, staff and organisation. This concerns the accessibility of kindergartens, school transportation, school meals, extended school stay, the education of children in health care institutions during extended medical treatments, the support of teaching assistants/communication intermediaries or kindergarten assistants for children with disabilities, etc. The possibility to meet the required standards and ensure the necessary forms of support to children in the educational system depends on the financial condition of local and regional government units, which in most cases establish educational institutions and finance their programmes. The complaints concerning these issues resulted in numerous recommendations addressed to the Ministry of Science and Education, the Ministry of Demographics, Family, Youth and Social Policy as well as to other bodies at the state, local and regional levels.

A large number of complaints (84) concerned **illicit, inappropriate, unprofessional and unethical conduct of education workers** towards children and **the violations of children's dignity**. Failure to recognise the individual needs of children and the lack of motivation and action while ensuring the appropriate form of support to children leads to inappropriate communication and to children being exposed to humiliation, threats, mockery and the violation or neglect of their rights. The children's right to privacy is often violated in front of other children and teachers, on social media, on school websites, in the media and at parent-teacher meetings, where children's personal data are disclosed. Many education workers do not change their inappropriate behaviour even after having been subjected to supervision. It is therefore necessary to establish a certification system for teachers, teaching associates and school principals as a mechanism encompassing oversight, support and supervision.

A large number of complaints concerned **the education of children with disabilities**. Their rights were most often violated in primary schools due to failure to ensure the support of teaching assistants/communication intermediaries, which was revoked for a great number of pupils with disabilities at the beginning of the school year 2019/2020. Introducing those changes without adequate preparation and planning poses a risk of deterioration of quality of the existing support model for children with disabilities.

There are ongoing difficulties in the preschool education system in ensuring different support models for children with disabilities, and their kindergarten stay is often shortened. It is necessary to urgently adopt a protocol for the enrolment of children with disabilities and to legally define the role of kindergarten assistants. The Office highlights the need to develop up-to-date early intervention services, in line with contemporary standards, for children with disabilities or developmental risk from their birth until three years of age, that is, until they start school.

The beginning of the school year 2019/2020 was marked by **the strike of education workers**, which resulted in an increase in the number of complaints in this area. The complaints, calls and comments raised many questions, including timely informing children of the strike; catching up on lessons; children's right to leisure time; responsibility in the case of children who might be unable to advance to a higher grade due

to the insufficient number of lessons and the long duration of the strike; the organisation and implementation of preparations for the national graduation exam and university application, the necessity to change regulations in the area of education relating to the school calendar and minimum school days or weeks, etc. As regards the strike, the Office sent recommendations to the minister of education, the heads of education workers' trade unions and the Government of the Republic of Croatia stating that the strike should not be allowed to have an adverse effect on children and that in resolving the situation priority had to be given to the children's best interest.

2.4 Health care rights

The Office received 137 complaints of violations of health care rights, visited 3 health care institutions and issued 5 recommendations. One of the recommendations was to incorporate **serious neglect of the child's health** in *the Criminal Code* (in line with serious neglect of care and education of the child). The Office staff participated in numerous committees, advisory groups, work groups and promotional activities in the health care system as well as in the discussions of parliamentary committees, advocating children's health care rights, promoting prevention programmes, emphasising the importance of mental health and vaccination, the quality of life of children with autistic spectrum disorders, the education and training of school and kindergarten staff and the enhancement of health literacy.

The bulk of the complaints (80) was received from the Directorate for Sanitary Inspection of the Ministry of Health, i.e., the State Inspectorate and other institutions with regard to parents refusing to have their children vaccinated. As regards other health care rights, 35 complaints were filed by parents and 22 by other persons. The complaints concerned communication of health care workers with parents and children, children's mental health, protecting health of children with disabilities as well as the rights of chronically ill children and children of foreign nationals temporarily residing in Croatia. The Office was notified of the lack of experts with required qualifications in children's places of residence, long distances between health care institutions and children's homes and long waiting periods for certain health care services. Certain parents felt at a disadvantage because of the decisions enacted by the Croatian Health Insurance Fund regarding mandatory health insurance rights. The Office also took action in the cases when the treatment of a child unfortunately resulted in death.

The Office of the Ombudsman for Children considers every unjustified failure to have children **vaccinated** to constitute a violation of the right of the child to enjoy the highest attainable standard of health. In accordance with *the Programme of Health Care, Hygiene and Nutrition in Kindergartens*, parents who refuse to have their children vaccinated cannot enrol them in kindergartens or preschool programmes. Some consider that decision to be discriminatory, but that programme was drafted with the view to contributing to the protection of health of all children collectively, including children who cannot be vaccinated due to medical reasons.

A persistent problem regarding the provision of **protection and support to children with mental health difficulties** is the unavailability of experts to children and parents, coupled with the fact that children can have access to mental health services only with their parents' consent. Therefore, young people cannot receive counselling support and assistance from experts without their parents' consent, which is contrary to the recommendations of the UN Committee on the Rights of the Child. There is also a lack of facilities and personnel required for **the hospital treatment of children with mental health difficulties** and the issue of the provision of support and professional assistance to **children with behavioural problems who also suffer from mental health difficulties** remains unresolved. The system for the prevention of suicides and the provision of medical assistance and treatment, monitoring and comprehensive care to children who are at risk of or have attempted suicide is underdeveloped. The prevalence of **alcohol and cigarettes consumption among children** and their accessibility to children raises concerns, as well as children's participation in **gambling and betting activities**.

In the context of humanising the conditions of treatment of **children with malignant diseases**, it is concerning that classes are still not being organised for secondary school students during their hospital stay. The high price of innovative medicines that are not on the list of medicines covered by the Croatian Health Insurance Fund must not be an obstacle when treating children with **rare diseases** who might need such medicine and the decision about the use of such medicine should be made by an independent panel of experts.

School and kindergarten staff should be educated on how to take care of children with **diabetes** during their stay in educational institutions, including on how to administrate glucagon, which is a first aid procedure for non-medical staff.

As regards the diet of children whose parents opted for **vegan or vegetarian diet**, the Croatian Society for Pediatric Gastroenterology, Hepatology and Nutrition of the Croatian Physicians Association adopted guidelines that should have been sent to all kindergartens. It is necessary to adopt a protocol for the conduct and cooperation of institutions in the cases when **parents refuse required preventive and diagnostic procedures and medical treatment for children**.

The problem of **the lack of qualified professionals** needs to be systematically and more promptly addressed. **Communication skills** should be a mandatory subject in the education and lifelong learning of health care professionals and other staff of health care institutions. Hospitals comprehend the importance of **the presence of parents during their child's hospital stay**. On the other hand, the data of the Croatian Health Insurance Fund regarding **the average waiting period** for certain check-ups in Croatian health care institutions show that health care is not readily and easily available to children who need it.

The Office monitors the situation regarding the planned construction of **the central national children's hospital**, which should contribute to improving the conditions of medical treatment, raising the level of humanisation of children's hospital treatment and advancing the treatment of children with mental health difficulties. It is expected for the issue of organisation of **paediatric palliative care** to be resolved in line with the best European standards. Until the hospital is built it is important to keep in mind that children in need of treatment have the right to the highest standard of health care.

2.5 Social and economic rights

The Office received 120 complaints of individual violations of children's rights, with 46 of the complaints related to social rights and 74 to economic rights. **Child poverty** provides a comprehensive framework for the analysis of social and economic rights. It is an obstacle to the exercise of the right to adequate health care, education and participation in cultural, sports and other activities. The transgenerational transmission of poverty should be stopped by providing children with early education and support in education and learning. It is also important to make sure that they have the support of education and health care system experts, free school meals, extracurricular activities, adequate housing and sufficient financial aid to meet basic life needs.

Social rights

The majority of the complaints about the violations of social rights concerned child benefit. The proceedings, especially those on the right to family benefit and the rights of children with health problems, last long, and parents are not provided with adequate instructions and information. The protection of the rights of children with disabilities is insufficient, while the status of parent-caregiver should be regulated by a special act. It is also important to develop early intervention services as well as to prevent institutionalisation and strengthen parenting capacities.

Economic rights

Out of 74 complaints about violations of economic rights, 32 were related to the right to an adequate standard of living, 15 to the protection of children's property rights, 14 to economic exploitation and hazardous labour, 7 to the protection from inappropriate advertising and 6 to other economic rights.

Right to an adequate standard of living - The complaints were filed by parents who do not own a residence and do not qualify for the use of a flat with the aid of local self-government units or the Central State Office for Reconstruction and Housing Care. In a number of cases assistance was required by the parents of children who were moving out of a flat owned by local self-government units or the government, and had no other residence.

Economic exploitation and hazardous labour - The labour inspection informed the Office about **illegal labour or employment of children, which concerned labour relations and occupational safety**. The largest number of such cases was observed in construction and catering services; four children suffered injuries at work and one child died. The complaints also concerned **issues related to practical training and exercises**, the lack of protective equipment, the employment of regular students through student services during holidays, children working in shops during night hours, children working without a contract and children selling souvenirs on the streets late at night.

Due to the need for a comprehensive approach to the protection of children in this area, the Ombudsman for Children submitted recommendations to the Ministry of Education and Sports, the Ministry of Economy, Entrepreneurship and Crafts, the Ministry of Labour and Pension System, the State Inspectorate, the Agency for Vocational Education and Training, the Croatian Chamber of Trades and Crafts and the Croatian Chamber of the Economy. The recommendations were for an analysis of the compliance of regulations aimed at unifying and proposing improvements to child protection mechanisms and developing special guidelines for risk prevention with regard to jobs for which children are trained or which they perform, and at implementing procedures to monitor the realisation of practical training outside school. There are still no clear rules on the protection of **children participating in artistic, audiovisual and promotional activities**.

There is no comprehensive approach to **the exploitation of children for begging** and no continued cooperation between competent authorities, primarily the police, the social welfare system and the justice system. In addition, no long-term measures are planned to protect children at risk of such exploitation.

Property rights - The Office received 21 complaints related to the protection of property rights, which concerned the use of property to the detriment of the child and was often connected with parental conflicts about the child's property rights, and to the inheritance of debts after the death of a parent or other relatives. The violations of property rights occur when parents use their child's property irresponsibly rather than solely for the purpose of meeting the child's needs. Due to a loose interpretation of the term "*more valuable property*" and the lack of protective mechanisms, children can be deprived of valuable assets in a very short period and without any control. The risk of violation of children's property rights also stems from parents' lack of knowledge about the legal consequences of actions they take on behalf and for the account of their children. Children need to be better protected in inheritance proceedings and a number of various regulations need to be amended in order for the protection of their property rights to be improved.

Inappropriate advertising - The largest number of the complaints concerned the protection of children from inappropriate content in television commercials and other advertisements and the participation of children in promotional activities. The regulations in effect still fail to protect children from potentially negative impacts of advertising. The Office has for several years been initiating amendments to regulations to restrict the advertising of alcohol and other products and services harmful for children, such as betting and games of chance. The main area of concern, which is also recognised by the UN Committee on the Rights of the Child, has remained the exposure of children to inappropriate media content, such as pornographic and alcohol advertisements.

Child budget - The Office has for a number of years advocated the establishment of a mechanism for the protection of children's rights and interests in the form of a child budget in order to enable the funds earmarked for children to be visible in national, local and regional budgets and better protected from cuts during crises. Based on *the Methodological Manual for the Preparation of a Child Budget* and in accordance with the recommendations of the UN Committee on the Rights of the Child issued to Croatia in 2004 and 2014, the Ministry of Demographics, Family, Youth and Social Policy published the first child budget for

the 2019 to 2021 period, according to which budget users allocated HRK 18,672,145,750.90 for children in 2019. The Office is on favour of the development of an analytical approach to the child budget, which is to display the areas of investment of funds and the amounts of realised and targeted investments in children.

2.6 Cultural rights, leisure time and sports

The Office acted on 34 individual complaints of violations of children's cultural rights. The largest number of the complaints concerned children's rights in sports, their participation in religious activities outside religious education programmes in kindergartens and schools, and their leisure time and play.

In connection with children's participation in religious activities outside religious education programmes in kindergartens and schools, such as the commemoration of *Days of Bread* with prayers and blessings, the Office notified the Ministry of Science and Education about such activities, emphasising that they should not be carried out outside the approved programmes and appealing for compliance with regulations, including *the Anti-discrimination Act*.

Children's cultural rights are not assigned proper importance, especially their rights to leisure time and play, and relevant regulations are inadequate, with the result that the realisation and protection of these rights mainly depend on the degree of responsibility and capacity of local self-government units.

Protection of children in sport - As regards of this area, the Office dealt with the violations of children's privacy, the violent, inappropriate and non-pedagogical behaviour of coaches towards children, inappropriate social media content, transport to competitions, the instances when children were not selected for local or national teams, the availability of sports programmes to a child-foreign national, discharge letters, disciplinary procedures against children, the safety of sports grounds and children's attendance at sports events. Sports activities for children in Croatia are not free of charge. This, and the fact that they are exclusively result-oriented, cause some children to lose motivation for sports. A persistent problem is the absence of a coach certification system, designed to appraise both the professional qualifications and pedagogical competencies of coaches. In addition, health care for child athletes is inadequate in many respects, both in terms of legislation and in terms of practical arrangements.

2.7 Protection of rights in judicial proceedings

The bulk of the complaints related to this area was filed about **the conduct of police officers** and the employees of social welfare centres and courts. The complaints about the work of police officers referred to their failure to implement measures and actions to protect children, exceeding police powers, inappropriate behaviour in the presence of children or the unnecessary bringing of children to the police station. Dissatisfaction with the work of some **employees of social welfare centres** was mainly voiced by parents in family law proceedings. The parents complained about their partiality, unprofessional conduct or failure to take measures to protect the interests of children. Some of the complaints about the work of social welfare centres' employees lodged by parents in high-conflict relationships reflected their subjective dissatisfaction as they found it hard to accept the assessment of their parental competencies. The inefficiency of the social welfare system with regard to the protection of children exposed to parental conflict is a continuing cause of concern. Exacerbating this inefficiency is the slow pace of **judicial proceedings**, with the inability of competent authorities to resolve parental conflicts considerably influencing the violations of the rights of the child.

The Office has for years been advocating the establishment of specialised family courts competent for all actions within the scope of family law, including the implementation of judicial decisions. **Special guardianship**, an important link in the process of realisation of children's rights in family law proceedings, has many

weaknesses, primarily due to insufficient financial, technical and personnel capacities. Another requirement, in addition to the establishment of specialised family courts, is the specialisation of lawyers who represent parents and children in judicial proceedings, most importantly in criminal proceedings.

2.7.1 PROTECTION OF CHILD WITNESSES AND VICTIMS IN JUDICIAL PROCEEDINGS

As shown by the Ministry of the Interior Data, 6,859 criminal offences against children were discovered and reported in 2019, which is an increase of 32.2% from 2018. An analysis of individual cases showed that most of the offences involved the violations of children's rights in judicial and other proceedings, mainly committed in the areas of family and criminal law. As in the previous years, the Office received complaints regarding **the slow pace of prosecution of perpetrators, mild sanctions for perpetrators, the inadequate treatment of children in judicial proceedings and the violation of children's privacy.**

The Office of the Ombudsman for Children pleads for ensuring equal conditions for all child witnesses in judicial proceedings, especially for those participating in criminal proceedings, irrespective of their age, in order to protect them from additional traumatising, enable fair representation of their interests in criminal proceedings, protect their privacy and guarantee their right to protection from secondary victimisation, intimidation and retaliation as well as to provide them with high-quality and complete information on their rights and the phases and outcomes of proceedings.

Support and assistance to children participating in judicial proceedings (criminal, misdemeanour, civil and administrative) must be **systematic and available to all children under equal conditions**, not only within the justice system, but also outside it, in social welfare, education, health care and civil society systems.

2.7.1.1 Protection from sexual exploitation and abuse

As shown by the Ministry of the Interior Data, 702 sexual offences against children were reported in 2019. The Office has for years been pointing out difficulties encountered in this area. Child victims are neither adequately protected from perpetrators nor provided with adequate assistance and support; on the contrary, they are often exposed to criticism and reproach, they are stigmatised and their privacy is invaded. Victims are often additionally traumatised by media coverage; criminal proceedings sometimes take several years and sentences for sexual offences against children are very mild; prison sentences are replaced by community service or suspended sentences.

Due to such mild sentences, criminal records data are stored for shorter periods and it takes less time for perpetrators to rehabilitate, which enables sexual predators to work in jobs that involve contact with children and to adopt or foster children. Security measures envisaged by *the Criminal Code*, which would prevent child sexual offenders to come into contact with children because they can be ordered for life, are imposed very rarely. Once they complete their prison sentences, sexual predators are not supervised by competent authorities unless special measures of protective supervision have been imposed. However, as these measures are also not imposed, one can conclude that the system in place for the monitoring of perpetrators and the protection of victims is unsatisfactory.

Child protection bodies in specific systems, for example, in the education and sports system, which encompasses a large number of children, rarely verify the previous conviction record of persons coming into contact with children, although they are legally required to do so. The verification of the previous conviction record is an important segment of the prevention of sexual violence against children, so that financial, technical and personnel conditions need to be ensured in the Ministry of Justice in order to make the verification of the criminal record simple and accessible to all those who are required to carry out such verification to protect children, in particular in the education and sport system.

Although restrictions on working with children are prescribed for most profession and activities, they are generally deficient. A special cause for concern is the absence of such regulations in some areas. These include associations, which are subject to almost no restrictions, except in the part covered by *the Law on Volunteering*, and companies, which can register for activities that include work with children (playrooms, workshops, camps, private lessons, courses, etc.) without any limitations. It is also worrying that the scope of their activities is not subject to supervision with regard to the safety and protection of children.

2.7.2 PROTECTION OF CHILDREN IN CONFLICT WITH LAW

The complaints referred to the conduct of police officers, public transport inspectors and shop security guards, the actions of courts and the conditions for the execution of institutional disciplinary measures. Parents contacted the Office seeking advice on the treatment of child suspects and minors in judicial proceedings. The complaints about **the actions of the police** were mostly related to obtaining information about criminal offences or misdemeanours in the absence of parents and the untimely notification of parents as well as the rough treatment of minors when they were brought in to the police station, when instruments of restraint were used and during arrest. In most cases, internal controls did not establish any procedural errors. The Office intervened with regard to the actions of the police after having been notified of misdemeanour penalties for minors who had been wearing T-shirts with the ACAB acronym or its numerical version 1312. Some of the complaints were filed about the conduct of **public transport inspectors** towards children without valid tickets and about the conduct of **security guards** towards children and minors suspected of theft, most often shoplifting.

The treatment of minors in **misdemeanour proceedings** showed no signs of progress. The measure of **detention on remand of minors** is implemented under conditions that are not in compliance with international standards and national legislation, while closed reformatories, envisaged by *the Juvenile Courts Act* of 2011, have not yet been established. The Office observed inconsistencies in the **actions of state attorneys and juvenile judges**. Some **court proceedings involving minors** take too long without any justification, notwithstanding the principle of urgency, which calls into question the purpose of sanctions for minors. Most difficulties were observed with the execution of **the correctional measure of referral to a correctional institution**, while the conditions for the execution of the measure of referral to the male reformatory in the Turopolje Reformatory considerably improved.

2.8 Safety, accidents and hazardous environment

The Office acted on 130 cases related to child safety protection, mostly involving traffic accidents with children and the protection of children running away from home and care institutions. The Office also monitored threats to children arising from the use of pyrotechnic devices, air pollution and electromagnetic fields from devices installed in the vicinity of residential areas, asbestos plates on school and kindergarten buildings as well risks to children on playgrounds and in playrooms. Most of the individual complaints constituted a basis for the proposal of general initiatives for the protection of children.

Safety of children in traffic - Children get injured or exposed to risk in traffic as passengers in cars and buses, as pedestrians and while riding bikes, motorbikes and mopeds. There was an enormous number of child casualties in 2019 in Croatia: over 200 children were seriously injured and 18 children died.

Additional efforts should be made to improve the protection of children in traffic and increase the accessibility and safety of organised transport of children. It is necessary to invest into the safety of road infrastructure, facilitate the acquisition of safer vehicles and equipment and standardise the transport of children participating in sports events and other manifestations. Preventive activities related to children's participation in traffic should also be expanded.

Safety of children in playgrounds and playrooms - The complaints about this issue pointed to potential risks for children in playgrounds, playrooms and other areas of children's play. In the previous years, the Office of the Ombudsman for Children proposed to the ministries competent for some of these issues to prescribe conditions for the opening, operation and safety of children's playrooms and to improve the maintenance and safety of children's playgrounds and surveillance systems. This year the Office held a working meeting about these issues with these ministries. It was a cause of concern that it was still unclear which ministry was in charge of proposing a comprehensive regulation on children's playrooms. Therefore, until this regulation is adopted parents and other persons taking care of children in play areas should act with increased caution

and owners should apply the highest security standards. In addition, conditions in existing children's playgrounds and their surveillance should be improved and they should be made accessible to all children.

Missing children - The related issues were monitored on the basis of information gained from complainants, media coverage and on the own initiative of the Office. The National Registry of Missing Persons of the Ministry of the Interior is not regularly updated so that some children are recorded as missing although they have been found. Another cause for concern is that some children are recorded as missing for several months and are unlikely to be found. Those are mostly children whose escape from institutions is considered as a form of delinquent behaviour and resistance to social norms. It seems that these escapes are not taken as a serious problem that requires analysis and prevention.

Harmful and hazardous environmental impacts and other issues - The complaints about **harmful environmental impacts** referred to emissions from telecommunication equipment installed near residential buildings, schools and kindergartens, the irregular collection of municipal waste, a hazardous waste landfill in the vicinity of populated areas and the construction of a recycling yard near a children's playground. Air pollution in Slavonski Brod has remained an issue that needs monitoring. Children were also exposed to risks while using pyrotechnics, despite ongoing preventive actions taken by the Ministry of the Interior. The Office pleads for the complete prohibition of the sale of pyrotechnic devices for personal use, with only restricted use allowed for organised manifestations and events, which would alleviate the risk of injuries to children. This year again saw several cases when children's safety was put at risk because of **dogs** that were unleashed and unsupervised.

2.9 Discrimination

The Office acted on 42 complaints pursuant to *the Anti-discrimination Act*. In the eleven years since *the Anti-discrimination Act* came into effect the largest number of complaints was related to **the education system**, with 27 cases of discriminatory behaviour reported. Of these cases, 4 were related to discrimination in **access to goods and services**, 1 case was related to discrimination in **social welfare** and 10 to **general discrimination**. The cases recorded in the education system indicate that education workers neither understand nor recognise discriminatory behaviour and that they fail to act timely and appropriately with regard to children. As a result, many children with disabilities and health disorders neither have access to preschool education and appropriate support and assistance nor to adequate education programmes.

It is necessary to do the following, in a systematic and continuous manner: include children into education programmes on tolerance, non-discrimination and the acceptance of diversity in order to prevent peer violence, conflicts and harassment arising from or accompanied by discrimination; ensure educational content and activities for education workers related to children's rights and children's protection from discrimination to enable them to understand, recognise and timely respond to inappropriate and discriminatory behaviour of adults and children; implement the recommendation of the UN Committee on the Rights of the Child on fostering intercultural and interreligious dialogue within local community and schools; step up efforts to prevent discrimination of poor and sick children, national minority children, children-foreign nationals and other marginalised groups.

2.10 Other rights and lack of jurisdiction

The Office received 37 inquiries and requests for action with regard to matters that were out of the jurisdiction of the Ombudsman for Children. These mostly concerned potential violations of the rights of adults in various systems (labour relations, education, social welfare, family relations). The applicants were informed about ways to solve their problems or protect their rights. Some inquiries were forwarded to competent authorities.

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 twenty children aged 12-18 from the whole of Croatia. Their mandate lasts three years. The mandate of the fourth NYA generation, now active, started in September 2017 and lasts 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. They inform the Ombudsperson about their views of the status of children in society and about problems they face in their local communities, while also suggesting possible solutions to these problems. In carrying out their advisory role they work closely with the Ombudsperson for Children and the staff members of the Office of the Ombudsman for Children, and they exchange views and opinions via a closed online forum. Each member of the NYA promotes and argues for his or her own opinion and acts on his or her behalf, without representing any group, school or town. Children apply to the NYA membership on their own, via a public tender.

Two female members of the NYA participate in the work of the Children's Participation Advisory Board, established by the initiative of the UNICEF Office for Croatia. Two members of the NYA participated in the work of the UNICEF's *Think Tank on Child Rights and Corporate Social Responsibility* - an advisory body of experts of various profiles. They participated in the conference *Children Are Our Most Important Job*, which presented the findings of the first national research on the impact of the business sector on children's rights in Croatia. The NYA members contributed to this research by participating in a focus group discussion.

A female member of the NYA participates in the work of the National Eurochild Forum (NEF) and another one participated in the annual meeting on the implementation of the plan of cooperation between the Government of the Republic of Croatia and the UNICEF (2017-2021), held at the Ministry of Foreign and European Affairs. In April 2019, the NYA members put forward their proposals while participating in the discussion on the revision of the Bucharest EU Children's Declaration. They submitted their proposals on the prevention of violence in school to the Committee of the Ministry of Education and Sports, which was in charge of the preparation of *the Action Plan for the Prevention of Violence in School*. The NYA members also participated in the consultations of the UN Committee on the Rights of the Child aimed at acquiring the opinion of children and young people on the right of the child to peaceful assembly. The consultations were organised because Committee is in the process of preparing a new general comment containing a detailed analysis of this right.

In 2019, two two-day meetings of the NYA were organised, including the meeting of the NYA members and the members of the Parliament, organised by the Office in cooperation with the Union of Societies "Our Children" Croatia and the UNICEF Office for Croatia to commemorate the 30th anniversary of *the Convention on the Rights of the Child*. Also present at the meeting were children who participated in the action *Towns/Municipalities - Friends of Children*, children from the Child Forums and Child Councils of the Union of Societies "Our Children" Croatia and the Children's Participation Advisory Board of the UNICEF Office for Croatia. The members of the NYA emphasised the social importance of children's participation, describing it as an opportunity for children and young people to express their opinion without being judged, to participate in making decisions that concern them, to influence adults and to make adults treat them with respect and take their opinions seriously.

The discussions of the NYA members on the electronic forum provide a valuable source of information and

guidance for the Ombudsman's work and are a reminder that adults, when representing children's rights in any area, should always take into account children's perspective.

Specific Areas of Protection of Children's Rights 4

Proposals to develop an integrated system for the protection of children's rights

This section presents in more detail the observed problems, activities and initiatives of the Office of the Ombudsperson for Children undertaken in specific areas of the protection of children's rights that are of constant interest of the Office or were the focus of its work in the previous year.

4.1 Rights of national minority children

Most of the complaints received were related to the exercise of rights of Roma minority children and some also addressed the exercise of the right to education of children of Serbian, Albanian and Macedonian ethnic backgrounds. In some cases, peer violence was considered to have been nationally motivated.

As regards the rights of Roma minority children, the Office of the Ombudsman for Children focused its activities on improving the quality of life of Roma children in Roma settlements in Međimurje County, especially during the period of heightened tensions between the majority and minority population. The Ombudsperson for Children visited Međimurje, talked with children and met with the relevant stakeholders on the local, county and national levels. As a follow up to these activities, the Ombudsperson submitted a comprehensive recommendation for the improvement of quality of life of Roma children in Međimurje County. The Office continues to advocate the introduction of a compulsory and free two-year pre-school education programme for Roma minority children.

As regards peer violence in schools, it is necessary to further develop school programmes for the prevention of nationally motivated peer violence and include students into their creation and implementation in order for these programmes to be attuned to children's needs.

4.2 Rights of children with behavioural problems

Children with behavioural problems form an extremely vulnerable group whose rights are violated in the education system, the social welfare system and the justice system as well as during the execution of police duties and correctional measures. The following rights of children with behavioural problems are violated: the right to protection from violence and neglect, the right to receive professional 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. **Educational institutions** still do not have mechanisms in place for the protection of rights of children at risk of behavioural problems and of those who manifest behavioural problems. There is a shortage of experts in expert service departments and an inadequate number of social pedagogues in schools with special classes for children with behavioural problems. Teachers are not sufficiently trained in recognising risks in children's lives and conducting early interventions. Their actions are uneven and mostly involve pedagogical measures. Prevention programmes are also of uneven quality.

Especially lacking are programmes for children at increased risk of behavioural problems and those showing early signs of behavioural problems. *The Ordinance on the Method and Form of Providing Educational Support and Professional Treatment to Children at Risk of Developing Behavioural Problems and Children with Behavioural Problems* has not yet been enacted.

Family law protection of children with behavioural problems is inadequate in the segment related to the protection of the rights and interests of the child; children's behavioural problems worsen because the measures taken within the family are delayed and inefficient. The procedures for children's removal from families at risk are initiated too late and take too long; children are often removed only if they are convicted of a criminal offence by a juvenile judge. The violations of rights of children with behavioural problems most often occurred in social welfare homes for children with behavioural problems (**correctional institutions**). The Ombudsperson and associates proposed removing children from some institutions they visited and providing them with more humane and adequate accommodation as they observed that conditions in those institutions were completely inadequate. The Ombudsperson also pointed out the instances of unaddressed violence in these institutions. The intersect oral support and collaboration in addressing violence is also insufficient. Children receive inadequate treatment, there are neither preventive nor curative treatments for specific behavioural problems and there is no differentiation of treatments. Children with mental health difficulties are not provided with comprehensive treatment or psychotherapy and access to child psychiatrists is difficult in some areas. Children's complaints and their right to participation are not given proper consideration. A special problem is posed by children who run away from these institutions. Given that such conditions had remained unchanged for several years, the Office of the Ombudsman for Children once again issued a warning and recommendations to the Ministry of Demographics, Family, Youth and Social Policy, proposing the compilation of *the Action Plan for the Advancement of the Rights and Interests of Children in Homes for Children with Behavioural Problems*. The Office also notified several parliamentary committees about the conditions in these homes and its initiatives, requiring that measures be introduced and implemented at the highest level in order for the frequent violations of these children's rights to be removed.

4.3 Rights of children of incarcerated parents

Children of incarcerated parents face the problem of inadequate support, stigmatisation and discrimination, while their **contact with incarcerated parents is hindered** (due to long distances between children's homes and prisons, transport issues, expenses, parental conflicts...). As the scope of visitation for pre-trial detainees is restricted and they are not included in parenting skills enhancement programmes, children **are not equal with regard to the legal status of their parents' deprivation of liberty**. In addition, whether children will be allowed to live with their mothers in prison until they are three years old (if this is assessed to be in their interest) depends on whether they were born while their mothers were in detention or while they were serving their prison sentences. The parents' legal status and the phase of judicial proceedings should not serve as a basis for inequality between children. During the public discussion on the drafting of *the Law on the Execution of Prison Sentence*, the Ombudsman for Children proposed solutions to this and other issues.

The Directorate for Prison System and Probation of the Ministry of Justice considerably improved the protection of the rights and interests of children of prisoners in the past few years. The visibility of these children was generally raised, both in the prison system and in the society as a whole. Prison visiting areas are arranged in such a way as to encourage contact and communication between children and their parents. Also introduced is video visitation. The Directorate for Prison System and Probation implemented most of the Ombudsman's individual recommendations. Furthermore, the civil sector stepped up its activities, especially focusing on parenting skills enhancement (*Roda Association*). The Office of the Ombudsman for Children also regularly participates in and initiates a range of activities aimed at the improvement of the status of children of prisoners. Additionally, the Office continued international cooperation with the members of the Children of Prisoners Europe (COPE) network through the exchange of good practices and joint activities as well as through participation in strategic planning and other activities.

4.4 Media and the protection of children's rights

The Office of the Ombudsman for Children contributes to the protection of children's rights in the media by monitoring the protection of **privacy** and protection from **harmful content**, the realisation of **the right of access to information**, the provision of **high-quality content for children** and **the participation** of children in the creation of media content. The media, although providing significant support to children's rights, often report on children without taking into account children's vulnerability and ignore regulations and ethical guidelines for the protection of children's well-being. The media sometimes violate the children's right to privacy with the consent of their parents and on their initiative as well as due to child protection professionals failing to act properly.

The Act on Electronic Media offers a solid framework for the protection of children's privacy. However, the violations of this right are rarely recognised in practice and are rarely and very mildly sanctioned. The existing act is being amended in order to improve the protection of children from inappropriate electronic media content, including that offered by platforms that enable children access to audio-visual content of their own choice.

The Ombudsperson for Children issued several recommendations calling upon the media and experts to protect the privacy and dignity of children in the media and the Croatian Radio Television to considerably increase investments into the production and broadcasting high-quality programmes for children and young people. New challenges posed by the media require intensified efforts to develop media literacy of the population as a whole and of children and young people in particular. Despite an increasing number of such initiatives, these programmes have remained outside the mandatory curriculum and are not accessible to every child.

4.5 Children's rights in the digital environment

The system of protection of children in the digital world encompasses a large number of social groups, such as families and educational institutions, as well as social welfare, health care and justice systems. The complaints concerning this area point to a wide variety of violations of children's rights in the digital environment, including the inappropriate and violent behaviour of peers and adults; violations of the right to privacy; threats to children's security and well-being and the manipulation of children by means of pornographic content and advertisements; violent, pornographic and other problematic content created by minors themselves and uploaded to YouTube channels; violent computer games; the influence of influencers and YouTubers. Experts warn that the number of internet addicts and computer games addicts is increasing rapidly and that parents and teachers are ill-informed about symptoms indicating the risk of developing addiction in children and young people. The increasing amount of time children spend with their computers or mobile phones puts them at an increased risk of being abused or exploited through the internet. Adults are much more focused on risks to children in the digital world than on the benefits of using new technologies, primarily due to their own lack of knowledge and understanding, a fact pointed out by children themselves.

4.6 Children on the move

The Office received 10 complaints about the violations of rights of **migrant children**, which were primarily related to illegal individual or collective expulsion of migrants by police officers at the borders with Bosnia and Herzegovina and Serbia. Despite numerous warnings issued by the Office, stating that the detention of children is contrary to their best interests, the legislative framework allowing for the detention of migrant children has remained the same. Although the Ministry of Demographics, Family, Youth and Social Policy

passed a decision defining two contact points for the reception of **unaccompanied children**, this decision proved to be unsustainable. Therefore, an adequate accommodation should be ensured for unaccompanied children in the form of a specialised institution. Furthermore, additional activities should be carried out in order to create conditions for the accommodation of unaccompanied children with foster families, in accordance with the provisions of *the Foster Care Act*. The guardianship system for unaccompanied children continues to exhibit problems so that guardians need to be provided with special education, supervision and professional status as well as with a support network. A major problem is the non-inclusion of unaccompanied children in the education system. As concerns the realisation of the right to health care for children-foreign nationals, there were cases that some general practitioners refused to admit unaccompanied children.

4.7 Child victims of human trafficking

In 2019, there were 17 minor victims of human trafficking, mostly Croatian citizens. The system does not yet recognise vulnerable groups as the potential victims of human trafficking: child beggars, migrants and children with behavioural problems running away from their institutions. The risk groups include Roma girls, who are potential victims of human trafficking for the purpose of prohibited marriage, and children groomed online. The Ministry of the Interior's website rarely registers foreign children who, having been found unaccompanied by parents or guardians in the Republic of Croatia and included in the social welfare system, escaped from care institutions and tend to do that often in order to resume their travel.

4.8. Rights of children living on islands

Children living on islands face specific obstacles and difficulties when it comes to the execution of their rights. The Office of the Ombudsman for Children carried out a survey in kindergartens and in primary and secondary schools in an attempt to collect as much information as possible on the realisation of the children's right to education and possible improvements. Almost all participants state that geographical locations and poor transport connections have a negative impact on the timeliness and efficiency of services for the care and education of children and the training and professional advancement of employees. They believe that existing regulations (on spatial and material conditions, number and type of professionals and work organisation) do not protect the rights of children on islands.

The collected data also show that children living on islands do not have equal opportunities for quality education as children on the mainland. It is therefore necessary to increase investments in educational institutions on islands, focusing especially on employees and mobile professional teams, improve the training of education workers, carry out preventive activities with children, parents and education workers and improve their cooperation.

5 Recommendations of the Ombudsperson for Children

In order to attain an adequate level of protection of children's rights and interests, the Ombudsperson for Children issues recommendations, warnings, proposals, statements and opinions to institutions, authorities or other legal persons. In addition to several hundred recommendations related to the protection of

individual children or individual cases, the Ombudsperson issued 76 general recommendations with an aim of improving the protection of rights of all children or specific child groups. General recommendations were issued with regard to the following areas: **education (35), the protection of vulnerable child groups (8), health care (5), the protection of privacy (4), leisure time (4), the media (3), safety (3), protection from violence (3), the justice system (3), family law protection (3), property rights (1) and other issues (4).**

At the beginning of every school year, the Ombudsperson submits to the Ministry of Education and Sports consolidated recommendations and opinions on the rights and interests of children in educational institutions. These are aimed at highlighting the rights of the child to participation and information, the rights of specific child groups (children with behavioural problems, children with disabilities, national minority children, gifted children, children switching classes), the safety of school facilities, the protection of children from violence, unethical conduct and potentially harmful content, the removal of harmful content from textbooks, children's transport, high-quality diet and health care. Also emphasised is the need to improve spatial and personnel conditions in some schools, organise children's transport or improve the safety of children's school routes and kindergartens. The recommendation regarding the teachers' strike was that the suspension of classes should not take too long or have repercussions for children. The Ombudsperson for Children advocated the children's right to enrol in kindergarten, the right to education of children of civil servants posted abroad, the co-financing of transport costs for children attending extracurricular activities, the right of children with disabilities to be assigned teaching assistants, the improvement of the quality of education for national minority children and the improvement of personnel and spatial conditions in some schools.

The Office of the Ombudsman for Children appealed to competent authorities to protect and realise the rights of children from **vulnerable groups: unaccompanied foreign children, children in institutions, children with disabilities, children in conflict with law, national minority children and children at risk of poverty.** The Office also advocated the rights of sick children, requiring better hospital accommodation, parents' stay with their children in hospital during treatment, the high-quality conditions of hospital treatment for children with psychological disorders as well as the availability of speech therapy services and classes in health care institutions. Recommendations were also issued regarding children's safety in traffic, in playgrounds, in playrooms and in sports; the protection of children's privacy and their property rights, the protection of children from violence, in particular sexual violence, and the protection of children in high-conflict parental relationships.

Legislative Activity 6

In 2019, the Office of the Ombudsman for Children participated in the procedures of enactment or amendment of 40 regulations and strategic documents as well as in the work of several working groups entrusted with the compilation of the following documents: *the National Report on the Implementation of the Beijing declaration and Platform for Action, the National Programme for the Protection and Promotion of Human Rights, the Ethical Code of Research with Children and the Action Plan for the Prevention of Violence in Schools.* Legislative amendments (4) were proposed to improve the property status of children (*the Income Tax Act and the Act on Housing Loan Subsidisation*), protect children's privacy (*the Act on the Personal Identification Number and the Family Act*) and to protect children's traffic safety taking into account new vehicles (1). The Office participated in the enactment of regulations (30) giving proposals and opinions on draft acts upon invitation from competent authorities or in the e-Consultations procedure in relation to the following areas: the protection of property rights (7), the justice system (6), education (5), safety (4), family law protection (3), protection from violence (2) and other areas of protection of children's rights (3). Proposals and opinions were also given regarding the following strategic documents: *the National Sports Programme, the Action Plan for the Prevention of Violence in Schools, the City of Zagreb Demographic Strategy and the Programme for the Implementation of the*

Strategy for Combating Poverty and Social Exclusion in the Republic of Croatia (2014-2020) for the period until 2020. The Office had no objections to 6 regulations.

7 Inspection Visits to Child Care Institutions and Other Locations

In 2019 the Ombudsperson for Children and her deputies and advisors inspected 45 child care institutions and other locations, including the following: 8 social welfare institutions (3 homes for children with behavioural problems and 5 institutions for persons with physical, intellectual, and sensory impairments), 1 shelter for the victims of domestic violence, 1 foster family, 23 educational institutions, (11 kindergartens, 9 primary schools, 2 secondary schools and 1 student home), 3 health care institutions, 1 children's playroom and 3 penal institutions. The Ombudsperson also visited 4 social welfare centres and the Special Guardianship Centre.

The inspection of facilities accommodating children and talks with employees and children provide the Office staff with valuable information on the state of children's rights. There are significant differences in spatial, organisational and safety conditions, children's participation and in the motivation, sensibility and involvement of principals and employees; with some of them showing progress in the realisation of children's rights. Educational institutions generally offer a wide range of extracurricular activities for children, health care institutions focus on children's needs and rights and invest efforts into an appropriate involvement of parents in the treatment of their children. The inspection visits showed advances in ensuring adequate conditions for children visiting their parents in prison and for child offenders. However, there is still a problem of inadequate spatial and organisational conditions, large distances and the lack of transport connections in the areas where some institutions are located, the lack of experts, the sub-optimal development of preventive and treatment programmes and the inadequate empowerment of children to report violence and the violations of their rights.

8 Other Activities in Protection and Promotion of Children's Rights

In 2019, the Office of the Ombudsman for Children organised 18 conferences, thematic expert meetings and other manifestations, 13 of them on its own and 5 of them in cooperation with other institutions. Standing out among them are activities and manifestations marking the 30th anniversary of *the Convention on the Rights of the Child*: the joint meeting of children and the members of the Parliament, organised by the Office in collaboration with the Union of Societies "Our Children" Croatia and the UNICEF Office for Croatia, and the project Lean on Children's Rights, realised in cooperation with the Osijek School of Applied Arts and Design, which also encompassed an exhibition of students' artwork, an illustrated catalogue and a calendar on the theme of children's rights. A major publishing project was the scientific publication *Participation of Children in School* (edited by Davorka Osmak Franjić and Ivana Borić) and the accompanying illustrated publication for children, which present the results of research carried out in primary and secondary schools. The staff members of the Office gave 60 lectures at conferences in the Republic of Croatia; organised, or invited others to organise, 23 various events with children and for

children in *the Little House of Children's Rights*, independently launched 2 projects, participated in 5 projects and published 18 articles on children's rights in various publications. The Office of the Ombudsman for Children cooperated with a large number of institutions and organisations.

Meetings, Interviews And Cooperation with Children 9

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 proposals, opinions, observations and ideas. The meetings, discussions and cooperation with children take place during visits to children's institutions and during various events, as well as through intensive work with the NYA. *The Little House of Children's Rights* enables carrying out of group work and organising workshops, which significantly improves the quality of meetings with children. There were 20 meetings with children in the offices of the Ombudsman for Children in Zagreb, Split, Rijeka and Osijek, 2 meetings with children in schools during civic education classes and 2 meetings with children from schools participating in the research Participation of Children in the Education System, the results of which were presented in Split and Rijeka. There were 16 meetings with children at various manifestations organised by other entities.

International Activity 10

The international cooperation comprises the activities of the Ombudsperson for Children carried out in cooperation with international organisations, bodies, organisational networks, the representatives of international organisations and institutions or independent experts and through participation in international conferences. These activities were numerous, while the continuous and intensive cooperation with some organisational networks provided the Office with an opportunity to exchange experiences, analyse good practices, verify and evaluate its decisions and work in the European and global contexts.

Other Activities of the Central Office and Regional Offices 11

The Office of the Ombudsman for Children carries out its tasks at four locations: in the main office in Zagreb and in the regional offices in Split, Osijek and Rijeka. This makes for greater accessibility of the Ombudsperson to those filing complaints about violations of children's rights and facilitates children's communication with the Ombudsperson.

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 locations where children are placed or accommodated and participating in conferences. Citizens can contact the Office on a daily basis, report on 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 provides a detailed explanation of

the method of work of the central Office and regional offices, accompanying it with data on the areas of violations of children's rights.

12 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 Office comprises the Expert Services Department and the General Services Department, headed by deputies to the Ombudsman. On 31st December 2019, the Office employed, in addition to 3 officials, 19 civil servants, out of 23 as originally planned. There were 3 employees employed in 2019, via a public tender, including 2 advisors to the Ombudsperson and head of the Technical and Support Services Department, a position that had been left vacant in late 2018. The central office in Zagreb had a staff of 13 employees and the regional offices in Split, Rijeka and Osijek 2 employees respectively. The Office has 4 locations: in Zagreb, Osijek, Split and Rijeka. The business premises are owned by the Republic of Croatia and were 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.

The budget of the Office of the Ombudsman for Children for 2019 was HRK 5,637,410. Following the amendments to the Financial Plan and the reallocation of funds in December 2019, the Financial Plan of the Office of the Ombudsman for Children at the end of 2019 was **HRK 5,659,154**. The budget execution rate was 98.75% (**HRK 5,588,650**). The annual financial statements for 2019 were compiled within the prescribed legal deadline and submitted to the State Audit Office and the Financial Agency (Fina).

13 Conclusion

The conclusion of the Report for 2019 was written during the coronavirus pandemic and in the aftermath of an earthquake in Zagreb, both of which deeply affected the lives of children and their families. Emergency situations confirm the importance of risk prevention and preparation for difficult times in non-crisis periods.

In 2019, unfortunately, Croatian institutions failed children with regard to protection from violence. A dramatic increase in domestic violence from the previous year, as measured both by complaints filed with the Office of the Ombudsman for Children and by reports of domestic violence and criminal offences against children, requires **urgent and more efficient child protection measures**. The Office calls for the coordinated action and strengthening of institutions that work on the protection of violence - through training and supervision - and the employment of more experts.

In addition, the child protection system is expected to produce a more targeted and decisive response to **high-conflict family relationships and divorces**. It needs to be ensured that children's participation in judicial proceedings is safe, voluntary and unhindered.

Children must not be victims of discrimination. The complaints about discrimination in the educational system point to the fact that discriminatory behaviour is neither understood nor recognised. Education workers should be systematically and continuously educated on children's rights and their protection. The instances of nationally motivated peer violence in schools and deepening tensions between the majority and minority population in some areas require the establishment of stronger intersectoral cooperation mechanisms enabling the efficient implementation of measures to protect the rights and welfare of national minority children.

Stakeholders from various systems should put concerted efforts into implementing educational inclusion in order to ensure the right to education of **children with disabilities**. The spread and development of early childhood intervention services are too slow. Although the Committee on Early Childhood Intervention formally exists in Croatia, it has not started work.

In the area of **education**, it is necessary to introduce licences that would contribute to establishing and unifying the quality of educational work and to realising the children's right to high-quality education.

Institutional inefficiency must not make vulnerable children's lives more difficult. It is necessary to step up the pace and increase the efficiency of **the justice system** with regard to proceedings on children's rights and ensure that every child taking part in criminal, misdemeanour, civil and administrative proceedings is provided with professional support and assistance under equal conditions.

The area of children's **health care** has recurring problems, including **the insufficient number of experts** in the health care system, **poor communication** between health care workers and parents as well as the protection of health care rights of **chronically ill children**. Children have to wait very long for their first specialist and control check-ups. Additional efforts should be put into scientifically informed discussions on the advantages of vaccination and risks to non-vaccinated children. In order to protect children whose parents refuse to subject them to medically indicated interventions a protocol should be adopted prescribing the course of action and cooperation of institutions competent for the protection and treatment of children. An adequate level of paediatric palliative care should also be ensured.

In the system of protection of **victims of human trafficking**, more efforts should be invested into the recognition of highly vulnerable child groups, such as child beggars, child migrants, children with behavioural problems running away from institutions and Roma girls exposed to forced marriage as well as to processing the perpetrators of such offences.

A safe access to digital content has proved to be key to the realisation of various rights. The digital environment nowadays plays a crucial role in the realisation, promotion and protection of children's rights. The government is therefore obliged to ensure that all children have a safe access to digital devices, high-quality content and ongoing media and digital literacy education, a key competence for every child's future. As we are now aware, this becomes especially important in emergency situations when internet access means access to education. At the same time, all new challenges and risks to children on the internet should be monitored on an ongoing basis and efficient protection measures should be developed.

The non-existent or insufficient cooperation between the social welfare system and the education system, between the justice system and the social welfare system and between the health care system and the education system results in the violations of children's rights. The Office therefore requires **all systems to increase efforts to connect and cooperate**.

The Office has for a long time emphasised the needs of children with behavioural problems and mental health difficulties who do not receive needed support, which causes additional problems. It is necessary to set up a network of institutions, based on the principle of equal territorial accessibility, providing the psychosocial support of mental health experts to children and their families.

Increased efforts are needed to mitigate the negative effects of poverty on children, especially since we know that almost every fifth child is at risk of poverty.

Every child needs a family. Despite a large number of activities aimed at deinstitutionalisation and the promotion of foster families, a large number of children still grow up in institutions, partially due to the underdeveloped foster family network, especially in urban areas, and the lack of specialised foster parents for children with behavioural problems and children with disabilities, but also due to the absence of systematic and high-quality support for foster families.

No matter where they live, children have to be given equal opportunities. The unequal accessibility of a wide range of services still has a negative effect on ensuring equal opportunities to all children.

Children want to be and can be part of the solution if we give them more opportunity for that. Despite evident advances in the mobilisation of experts, civil society organisations and individual institutions in the area of rights to children's participation and its principles, this participation is still inadequate.

Children cannot grow up believing that they live in a just society if they do not feel that justice in their lives. Children cannot trust people who do not care about them. Listen to what they have to say and help them find solutions for their problems. **Build up your relationships with children showing care and respect for their needs and vulnerabilities.**

In conclusion, our society has good resources and regulations as well as quality human resources, but we still have to do our best to protect children and their welfare. Let us join efforts and expertise to cooperate and improve the status of children's rights, which is especially important in these challenging times.