



# Summary Report on the Work of the Ombudsman for Children for 2020



★ Republic of Croatia  
Ombudsman for Children



Zagreb, March 2021

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**T**he cover illustrations are motifs featured in the calendar of the Ombudsman for Children for 2021, entitled Children's Right to Participation Is ... The illustrations are by Zrinka Ostović.

In addition to the main motif, the children's right to participation, the calendar also displays motifs illustrating other rights enshrined in the UN Convention on the Rights of the Child. The calendar can be downloaded from the Ombudsman for Children's website [www.dijete.hr](http://www.dijete.hr).

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# INTRODUCTION

The year 2020 will probably be indelibly imprinted in the memory of hundreds of thousands children in Croatia. Their schools and kindergartens closed that year, first for two weeks and then for two months. Their homes overnight turned into classrooms and their parents' offices. Many children also lost their homes owing to the earthquakes that hit Zagreb and its surroundings in March and the Banovina region at the end of the year. This was the year when children, irrespective of their age and developmental needs, had to become responsible overnight. Two months may not seem too long in an adult's life, but it seems like an eternity for a seven-year-old child or a young adolescent.

The eighteenth 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, is therefore almost in its entirety marked by the emergencies that changed the lives of children in Croatia: the COVID-19 pandemic, containment measures and earthquakes.

In 2020, the Office of the Ombudsman for Children received **1,923 new complaints**, inquiries and requests related to individual violations of children's rights, which is an increase of 10% annually. The Office processed **574 cases** that were transferred, as pending cases, from the previous years, primarily because they have to be monitored over several years due to their specific and complex subject matter. The Office also processed **1,158 cases** related to general initiatives, reports, cooperation with government and international institutions and the media, expert meetings, conferences, projects and professional topics as well as the operation of the Office.

In spite of the aggravated working conditions due to the pandemic and significant damage to the Office building caused by the Zagreb earthquake, this year again the Office staff made their best efforts to be accessible to children, parents and guardians, as well as institutions, seeking advice, help and support by telephone and electronic mail. In 2020, the Office staff had **1,200 telephone conversations** with complainants and organised online meetings with children through various communication platforms.

The Office issued **72 general recommendations**, warnings and press releases, with the aim of fostering a more efficient protection of children's rights. Approximately 40% of the recommendations concerned the impact of the COVID-19 and measures to contain it on the various areas of realisation of children's rights. However, it raises concern that only every second recommendation was accepted and every sixth fully implemented by the end of the year.

In response to changes and emerging new challenges in the protection of children's rights during a health crisis, a new section was created on the Ombudsman for Children's website, dedicated to recommendations and opinions on how to achieve a more efficient execution of children's rights at the time of pandemic. At the end of the year, the Office organised an online conference, inviting participation from all relevant institutions, in order to review measures and key lessons learned about the protection of children at the time of pandemic. In addition to strong efforts to adjust to new circumstances, the year 2020 also saw a large number of weaknesses coming to light in various systems responsible for children's wellbeing. I therefore hope that 2020 will also provide us with valuable lessons on how to build up a more resilient system to better protect children in emergencies and crises.

In 2020, complaints related to children's personal rights continued to account for the largest share of total complaints. However, given all the difficulties in the education system, it is not surprising that there were over 100 new complaints related to the area of education compared with 2019. The largest annual increase (42%)

was recorded in the number of complaints about rights in judicial proceedings, which mainly concerned the conduct of police officers, social workers and special guardians as well as the actions of courts and the State Attorney Office. These complaints point to the need to raise awareness of the official personnel about children's rights and needs. The number of complaints in the area of social and health rights also increased considerably.

The comprehensive Report for 2020, about 240 pages long, comprises an overview of actions taken by the Office of the Ombudsman for Children regarding the individual complaints of violations of children's rights, a summary of general initiatives and various other initiatives and activities related to the monitoring, protection and promotion of children's rights. This Summary Report presents an abbreviated review of the observed issues and the work of the Office of the Ombudsman for Children. The acronyms and abbreviations used are listed and explained at the end of the Report. For easier reading, the words and expressions in the text refer equally to both sexes.

Children have suffered the consequence of the coronavirus pandemic, and some child groups have been especially severely affected. Due to the introduction of remote classes, children who did not have an adequate equipment for internet and television classes had difficulties in realising their right to education. Children with disabilities could not go to schools and kindergartens and were deprived of services they received in special institutions (e.g. physiotherapy, speech therapy, work therapy, psychosocial support, early interventions, etc.), but also of their friends. *The coronavirus crisis* has proved that there is no alternative to the direct work of experts with children with disabilities. Digital platforms and television classes were not sufficiently adjusted for children with disabilities.

Children undergoing hospital treatment during lockdown were almost completely separated from their parents at the time when they needed their affection and comfort more than ever. Experts warned of the negative consequences of the lockdown for children living in families at risk of violence and abuse. In 2020, the Ministry of the Interior recorded an increase in the number of criminal offences of violence and abuse, which proves that it is very difficult to efficiently protect children if victims are confined to their homes.

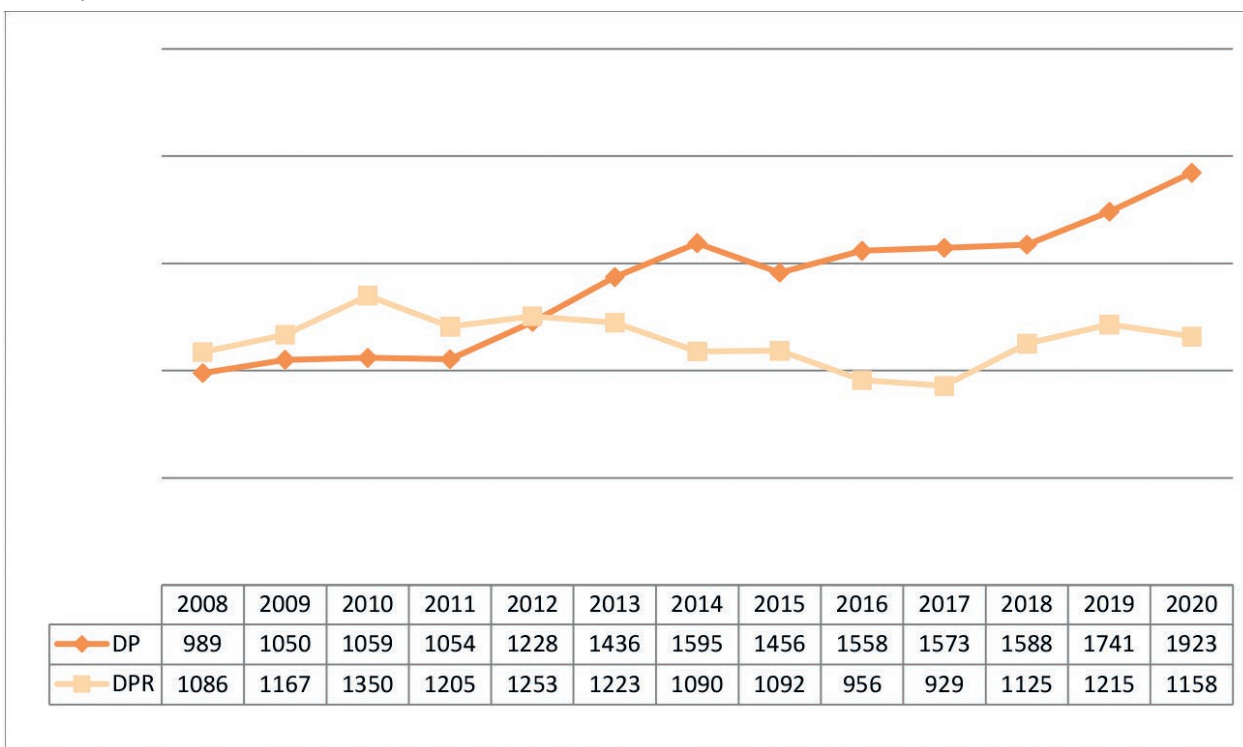
The uncertainty surrounding the state graduation exam, one among a number of difficult circumstances in education and life generated by the pandemic and the earthquakes in Zagreb and the surroundings, especially affected secondary school graduates, who waited too long for information on the most important exam in their lives. Research on the consequences of *the coronavirus crisis* has shown that care for children's mental health has become a key issue that will require increased social investments.

I would like to thank all young advisors, members of the NYA, for their suggestions and opinions, which helped me better understand the needs of children in 2020. My special gratitude goes to my expert team of advisors and employees at the offices in Osijek, Rijeka, Split and Zagreb, who worked tirelessly under challenging conditions to ensure that the realisation of children's rights is monitored and that advice and support were given to everyone requiring help.

I hope that this Report will also serve as guidance for what needs to be done for children to help them recover from distressing experiences from 2020 and to give priority to their needs – now and in all future emergencies.

Ombudsperson for Children  
Helenca Pirnat Dragičević, LLB

Total number of complaints of individual violations of children's rights (DP) and other pending cases (DPR) in the period from 2008 to 2020



Complaints of individual violations of children's rights in the period from 2008 to 2020

COMPLAINTS OF INDIVIDUAL VIOLATIONS OF CHILDREN'S RIGHTS	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Personal rights	635	625	687	636	753	701	742	702	711	726	690	737	772
Rights of children as members of society	13	13	11	6	11	11	12	12	29	29	38	32	28
Educational rights	121	187	153	159	161	262	273	239	296	310	318	391	492
Health care rights	32	35	21	25	28	107	257	184	161	155	173	137	162
Social rights	31	48	29	43	42	55	60	42	39	41	45	46	62
Economic rights	56	55	72	79	93	90	77	77	87	89	68	74	72
Cultural rights	15	11	10	8	19	26	22	37	23	32	39	34	36
Protection of rights in judicial proceedings	37	33	38	55	61	81	62	67	96	97	72	81	115
Children's safety and protection		12	12	15	13	25	26	36	51	31	81	130	116
Discrimination		3	3	6	16	25	24	20	18	20	38	42	35
Lack of jurisdiction		22	19	16	26	42	38	39	41	42	21	29	32
Other	49	6	4	6	5	11	2	1	6	1	5	8	1
<b>TOTAL</b>	<b>989</b>	<b>1050</b>	<b>1059</b>	<b>1054</b>	<b>1228</b>	<b>1436</b>	<b>1595</b>	<b>1456</b>	<b>1558</b>	<b>1573</b>	<b>1588</b>	<b>1741</b>	<b>1923</b>

## MONITORING INDIVIDUAL VIOLATIONS OF CHILDREN'S RIGHTS

In 2020, the Office of the Ombudsman for Children received 1,923 new complaints, inquiries and requests related to individual violations of children's rights, which is a considerable increase from 1,741 in the previous year. The increase can be attributed to extraordinary circumstances caused by the COVID-19 pandemic and earthquakes, which also affected the execution of children's rights.

The Office also processed 574 cases that were transferred from the previous years, primarily because they have to be monitored over several years due to their specific and complex subject matter.

### *Individual violations of children's rights – 2020*

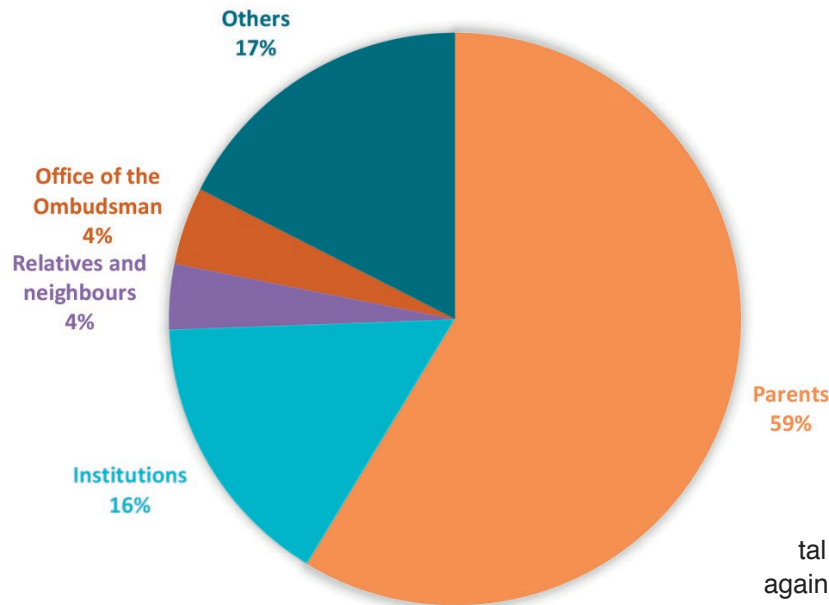
INDIVIDUAL RIGHTS	Pending cases transferred from previous years	Cases opened in 2020	Number of children in 2020	
			Number of children	Child groups
Personal rights – total	269	772	1155	49
Rights of children as members of society	4	28	27	6
Educational rights	100	492	384	177
Health care rights	18	162	106	69
Social rights	23	62	107	2
Economic rights	31	72	106	6
Cultural rights	12	36	25	15
Protection of rights in judicial proceedings	33	115	135	13
Children's safety and protection	68	116	130	20
Discrimination	7	35	18	25
Lack of jurisdiction	5	32	33	3
Other rights	4	1		1
<b>TOTAL</b>	<b>574</b>	<b>1923</b>	<b>2226</b>	<b>386</b>

The complaints concerned 2,226 children (962 boys, 817 girls and 447 children whose gender was not indicated) and 386 child groups.

Most of the complaints were filed by children's parents (1,128), in 715 cases by mothers, in 300 by fathers and in 113 cases by both parents. Institutions filed 303 complaints, mostly schools and kindergartens (70), followed by ministries, agencies and inspectorates, The Office was being notified by the State Inspectorate about parents' refusal of mandatory vaccination for their children and about monitoring the protection of children against economic exploitation, while police departments reported cases of traffic accidents involving children (44). The Office was also contacted by social welfare centres, children's homes, associations, local community representatives, Members of Parliament and some Parliament's committees, requiring the Ombudsman to take action.

Children contacted the Office personally in 26 cases. Their complaints expressed concern about a negative effect that the organisation of classes might have on the state graduation exam and enrolment in university; their teachers' unfair grading and unprofessional conduct; a lack of opportunity to participate in making decisions that affect them, in particular regarding the organisation of classes at the time of pandemic. Children from correctional institutions complained about the conduct and behaviour of correctional counsellors and those from dormitories about the violation of their privacy. The Office was also contacted by children whose parents were in conflict about the exercise of parental responsibility, who required that their opinion be heard about

## Complainants of violations of children's rights



which parent they wanted to live with or about how they would prefer to meet and spend time with the parent they did not live with. Children also complained about decisions on their removal from their families and accommodation conditions as well as about the system's inefficiency regarding the execution of the right to child support. One child asked that the execution of the parent's prison sentence be postponed.

In 2020, the bulk of complaints of violations of rights was related to violations of children's personal rights (772), most of them concerning parental responsibility issues (434) and violence against children and child neglect (239).

## 2.1 Personal rights

A total of 772 complaints concerned children's personal rights, as broken down in the table below:

### Personal rights

PERSONAL RIGHTS	Pending cases transferred from previous years	Cases opened in 2020	Number of children in 2020	
			Number of children	Child groups
Right to life	1	2	2	
Right to know the biological origin		3	3	
Right to birth registration	5	11	18	
Right to a name		1	1	
Right to citizenship	1			
Right to live with parents and enjoy parental care	135	434	657	14
Adoption	1	5	9	
Right to protection from violence	75	175	273	14
Neglect	40	64	104	3
Custody				
Foster care	6	10	23	
Right to privacy	4	66	64	18
Other	1	1	1	
<b>TOTAL</b>	<b>269</b>	<b>772</b>	<b>1155</b>	<b>49</b>

**Right to life** – The complaints about violations of the child's right to life mainly concerned serious crimes against children (murder, attempted murder, infanticide) or self-injury and self-harm as well as other harmful circumstances. In 2020, the Office recorded 2 violations of the right to life, concerning 2 children.

### 2.1.1 STATUS-RELATED RIGHTS

The complaints of violations of children's status-related rights (15) were related to the registration of birth, issuance of personal documents and regulation of the residence status. The bulk of the complaints in this area continues to be made regarding parental conflicts about child representation, which unnecessarily prolong the realisation of the child's personal rights. Competent authorities, whose duty is to intervene to protect the best

interest of the child, often demonstrate incompetence, with the result that children are sometimes deprived of their rights, e.g. the right to education, until parental conflict is resolved. **Assigning a new personal identification number (OIB) to adopted children** remains a problem for children adopted before the applicable *Family Act* came into force.

**Status-related rights of children of foreign nationals** – A serious problem that foreign nationals complain about is the regulation of the residence status of children in the RC. Notwithstanding the reasons why some children reside in the RC without a regulated status (some of them since they were born), they are deprived of many rights. They go to school, but they cannot be registered in the electronic database (*e-matica*) without valid documents, obtain a certificate or enrol in a higher grade. A continuing cause for concern is the plight of unaccompanied alien children who leave the Croatian territory before the process of granting international protection is finalised (91%).

## 2.1.2 RIGHT TO PRIVACY

**The Office of the Ombudsman for Children acted on 66 individual cases** related to the child's right to privacy. In addition, 79 complaints of violations of other children's rights (e. g. educational rights, rights in judicial proceedings, health care rights and participation rights) also involved violations of the children's right to privacy. 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 facilities as well as in the family. The COVID-19 pandemic influenced the issue of protection of children's privacy, primarily due to the fact that access to most services was possible only by means of digital tools. The complaints were related to the unauthorised and excessive collection of personal data on children's health and the disclosure of information on their health condition as well as to a suspicion of an inadequate protection of children's privacy in online classes. The Civil Protection Headquarters, the Ministry of Science and Education and the Croatian Journalists' Association were issued *a recommendation on the protection of children's privacy in the context of the COVID-19 pandemic*.

Citizens and institutions should be systematically and continuously informed of the protection of children's personal data, their privacy and dignity and the consequences of illegal processing and accessing their personal data. Codexes, guidelines or action protocols for the protection of children's privacy should be adopted.

## 2.1.3 RIGHT TO LIVE WITH PARENTS AND ENJOY PARENTAL CARE

Out of 434 complaints lodged in this segment, most of them concerned the exercise of parental responsibility (325), the restriction or termination of parental responsibility (77) and child support (32). The complaints of violations of rights were most often related to parental disagreement over the organisation of their child's life after family dissolution and/or divorce and to other adverse family circumstances due to which various measures were imposed for the protection of the child's rights and wellbeing.

It is especially worrying that institutions fail to efficiently protect children when they witness highly strained family relationships, with adult family members using children for their own goals, which are not always in their best interest. Parents in a high-conflict relationship are often not available for counselling. The complaints they submit express distrust of and dissatisfaction with the work and expert assessments of institutions conducting procedures and expert interventions in child protection cases – social welfare centres and courts. COVID-19 containment measures had an especially adverse effect on the protection of rights of children whose relationship with their parents had already been strained. Due to the special organisation of work implemented by institutions in the various phases of the pandemic, assistance from social workers regarding the exercise of parental responsibility was less available, with the result that parental conflicts about issues relevant for their children became even more pronounced.

In an effort to improve the quality of professional work and child protection interventions, the Ombudsman for Children advocates the setting up of **counselling centres and mobile teams** for parents, children and other family members seeking expert assistance and support concerning parenting, family relationships and growing up challenges. The Ombudsman also supports the establishment of **family courts**, in order for child protection proceedings, which are complex by definition, to be conducted by additionally trained and specialised judges. With the outbreak of the COVID-19 pandemic, the need to provide support to working parents with **adjusting their work and child care obligations** became a very important segment of the protection of children's well-

being, which was emphasised in a recommendation sent by the Ombudsman for Children to the Government and the Civil Protection Headquarters of the Republic of Croatia.

**Restriction of parental responsibility** – The largest number of complaints (20) was submitted by **homes for children without appropriate parental care** requiring the Ombudsman's assistance in prompting social welfare centres to change children's placements. These complaints also pointed out uncertainties in the interpretation of the *Instructions for the Prevention and Containment of the COVID-19 Pandemic for Extra-Institutional Social Service Providers in the Social Welfare System* of 16 April and 8 May 2020. Due to the long duration of the pandemic, the primary concern became maintaining parents-children relationships so that authorities' decisions had to be changed and adapted accordingly. The Ombudsman for Children recommended that children's contacts with parents and other persons close to them should be intensified through social networks, video calls, Skype calls, etc. **The placement of children with behavioural problems** who cannot be raised by parents or foster parents with social welfare institutions has continued to be hindered by the delayed response of the system in ensuring that children grow up in a stimulating environment. The complaints related to **the termination of parental responsibility** were most often lodged by parents voicing their dissatisfaction with an adopted decision or the slow pace of proceedings dealing with the other parent's termination of parental responsibility.

**Foster care, deinstitutionalisation and adoption** – The number of children without adequate parental care placed in institutions increased slightly in 2020, which is an indication that *the Plan for Deinstitutionalisation, Transformation and the Prevention of Institutionalisation 2018 - 2020* has not produced the expected results. This also shows that further efforts should be invested in developing services for children, young people and at-risk families in local communities, organising half-day and full day school stays that will be more accessible to families and continuing to promote foster care. All these measures are necessary to prevent removing children from their families.

The difficulties of the social welfare system and foster families when it comes to children without appropriate parental care were the same as in the previous years and even more pronounced due to the COVID-19 pandemics. The number of foster families is insufficient; institutional capacities are full and a large number of requests for placing children in care cannot be accommodated. The problems are the following: an uneven territorial distribution of foster families; a lack of professional foster families, foster families in urban areas and specialised foster families trained in care of children with behavioural problems and those with specific physical or mental difficulties; a lack of foster families for the placement of children in crisis situations and children up to three years of age; the advanced age and low education level of foster parents; a lack of support for foster parents, children and biological families and an insufficient training and supervision of foster parents and professionals. It is necessary to continue with stimulating and promoting high-quality foster care and to standardise the education of foster parents and the provision of support to foster families, children and their parents.

**Adoption** – On 31 December 2020, 97 children who met legal requirements for adoption were placed in homes for children without appropriate parental care and community service centres, 22 more than in the previous year. The cooperation with associations providing professional training to potential foster parents and the employees of children's homes emphasises the importance of a multidisciplinary expert assessment of the child's needs. Following the assessment, experts can provide guidance to potential foster parents about the child's needs, thoroughly assess foster parents and talk with them in order to choose those who can best accommodate the needs of that particular child. The Office of the Ombudsman for Children was in 2020 again involved in resolving problems with the possibility of changing the personal identification numbers (OIB) of adopted children.

**Child support** – There were 32 written inquiries and complaints regarding child support. These complaints were often lodged about the actions of child-support debtors. Some parents cannot meet the full amount of their obligations due to their difficult financial situation, but some of them intentionally avoid fulfilling this obligation towards their children. The complaints were also related to the functioning of the overall system for the protection of children's rights or individual segments (courts, the Financial Agency, social welfare centres). Most of the complaints referred to the excessively long duration of child support proceedings, but some are also filed over the system's inefficiency, due to the fact that some children are permanently deprived of financial support. Regulations inadequately protect children who in various life situations get deprived of child support from one parent (children whose paternity is not established, children whose parents are incapacitated for work, children who have not exercised the right to survivor's pension after the death of a parent, children who do not exercise the right to child support after the expiry of temporary support, children whose parents are absent or those

whose parents' whereabouts are unknown and children whose parents fail to meet child support obligations and live and work in a country that is not a signatory to international treaties). It is necessary to make advances both in the legislative area (regulatory amendments) and in practice (consistent and timely application of regulations, training and awareness-raising).

## 2.1.4 RIGHT TO PROTECTION FROM VIOLENCE AND NEGLECT

The Office of the Ombudsman for Children received 239 complaints of violence towards children and child neglect (42 fewer than in 2019), involving 377 children and 17 child groups. Of these complaints, 175 were related to violence and 64 to neglect. There were also 56 complaints related to children's sexual exploitation and abuse.

*Complaints involving violence and neglect 2015 – 2020*

	2015	2016	2017	2018	2019	2020
Domestic violence	68	68	61	62	97	76
Violence in educational institutions	68	79	90	68	82	55
Violence in other institutions	2	8	11	10	6	6
Other forms of violence	40	42	41	39	23	38
Neglect	69	75	82	54	73	64
<b>TOTAL</b>	<b>247</b>	<b>272</b>	<b>285</b>	<b>233</b>	<b>281</b>	<b>239</b>

**Domestic violence and child neglect** – The Office of the Ombudsman for Children received 76 complaints of violations of children's rights due to domestic violence, which is a decrease from 2019. However, complaints of violence against children show only some of the problems related to this area.

Due to the COVID-19 pandemic and containment measures as well as devastating earthquakes that hit Zagreb and the surrounding counties in March and the Sisak-Moslavina County at the end of the year, many families experienced additional problems and difficulties. During the lockdown family members spent more time together than usual, concerned about their lives and health and fearing a job loss, which gave rise to various forms of inappropriate behaviour. Children are severely affected by domestic violence both when they are victims of it themselves and when they witness violence among adults. In response to concerns that children may be exposed to an increased risk of domestic violence in the conditions of crisis, in April the Office submitted to competent ministries [a recommendation on the formulation of action guidelines to protect children against violence and neglect during the COVID-19 pandemic](#).

Most of the complaints of violence concerned [conflicts between partners witnessed by children](#), which prompted competent institutions to take action to protect children's rights. Social workers increasingly more often identify [the manipulative behaviour of parents](#) and other family members; they treat it as violence against children and impose measures to protect the rights and wellbeing of children pursuant to the *Family Act*. The complaints filed by parents regarding child neglect by the other parent most often resulted from family conflicts and unresolved relationship issues between partners and were targeted at the other parent by referring to his/her alleged negligence of the child.

**Violence in educational institutions** – The most common form of violence in schools is [peer violence](#). Expert service departments in kindergartens and schools are understaffed and schools' preventive activities and responses to peer violence are uneven, notwithstanding the coming into force of *the Action Plan for the Prevention of Violence in Schools*, which was supposed to improve the situation. Professional and pedagogical supervision performed by the Croatian Education and Teacher Training Agency confirm that education workers' reactions are untimely and unprofessional and that they demonstrate a lack of knowledge and insecurity. Not all [preventive programmes](#) are scientifically based, nor are their outcomes for children established. It often

happens that schools refuse to take action when peer violence occurs outside the school building or online, while instructions from supervisory authorities vary. Schools often fail to recognize psychological violence and do not take adequate measures and activities to help all children involved in such violence – both victims and offenders. **Adult violence against children** reveals loopholes in child protection regulations and practice and the reluctance of the system to sanction offenders and report them to relevant authorities.

**Violence in other institutions and other forms of violence** – The complaints were related to violence perpetrated both by children and adults in correctional institutions, an autism centre and in sports clubs, in the street, in the vicinity of children's homes, especially in the neighbourhood, and on the internet. Peer violence occurs in **social welfare homes**, but there is no appropriate response from adults: protection, preventive activities and interdepartmental cooperation in sanctioning such violence. The complaints of violence and inappropriate communication in **sports clubs** show that work with children in sports continues to be insufficiently regulated. The complaints of violent and inappropriate behaviour of **store security guards** towards children suspected of or caught shoplifting point to the necessity of regulating conduct towards children in such situations. **The violence of neighbours** against children is most often verbal and stems from unstable relationships between adults. The complainants were instructed to report such instances of violence to the police. Another indication of substandard protection of children was given by extremely brutal acts of violence against children committed by **persons with mental health issues**.

## 2.2 Rights of children as members of society

The Office of the Ombudsman for Children received 28 complaints concerning the children's right to protection from potentially harmful information, the right to participation of children capable of forming their own opinion regarding family law issues, the right to participation at school and in sports clubs and the right to access to information.

There is a lack of knowledge and understanding of the child's right to participation and adults are poorly qualified for communicating and working with children towards the realisation of their participation rights. There is no systematic training of professionals working with children on the implementation of that right, with the result that the functioning of children's representative bodies in schools, children's homes and the local community depends on the enthusiasm of particular professionals and their own concept of the realisation of children's participation rights. It is necessary to change social attitudes about children being the passive objects of decisions made by adults and to train professionals working with children on children's participation rights. Towards this end, the Ombudsman for Children initiated the creation of **the Curriculum on Children's Rights and Participation**. Contributing to the creation of the curriculum are experts in research, advocacy and practical implementation of children's rights, in particular children's participation rights, and advisors to the Ombudsman for Children, with an active part taken by children and young people – members of the Network of Young Advisors (NYA).

## 2.3 Educational rights

The Office of the Ombudsman for Children received 492 complaints of individual violations of children's rights **in the area of education**, which accounted for **the largest number of complaints** this year. There were 83 complaints of individual violations of rights of children with disabilities. The Office also acted on the complaints of violations of other rights in educational institutions, such as the right to protection from violence and neglect, the right to protection against discrimination, the right to privacy and health care rights. A large number of complaints (186) and telephone calls were made about the realisation of children's right to education in the conditions of **COVID-19 pandemic**, which was the reason for issuing recommendations to the Ministry of Science and Education and other central, regional and local government bodies.

The COVID-19 pandemics had a multifold effect on the execution of children's educational rights, exacerbating the existing problems caused by unequal education conditions, especially for vulnerable child groups. The insufficient allocation of funds on the national, regional and local levels, an issue pointed out by the Ombudsman in the previous years, had a particular impact on the uneven approach to preschool education and unequal spatial, safety, personnel and organisational work conditions.

The complaints that were related to the COVID-19 pandemic concerned the following issues: the non-availability of kindergartens for children whose parents were obliged to work during lockdown; procedures for bringing children to kindergarten and picking them up; the inability to exercise the right to whole-day classes, school meals and safe transportation; changes in the organisation of educational work; the state graduation exam and secondary school enrolment; epidemiological measures (e.g. obligatory use of face masks and their impact on children's health) and the inability to adhere to these measures due to inadequate spatial, safety and hygienic conditions; the organisation of elective classes and the inability to teach children of various age groups in one and the same space; the absence of competitions and additional programmes, trips and excursions as well as the reimbursement of funds paid in advance for these purposes.

There were also complaints and inquiries about difficulties with online classes, such as inadequate technical conditions (lack of tablets, no internet connection); the volume of assignments and unsatisfactory explanations of curriculum subjects; putting parents under excessive obligation to do school assignment with their children; teachers' dysfunctional performance and inadequate communication with students; the violations of children's privacy; grading methods and the realisation of the right to additional and remedial courses.

Following **the earthquakes** that struck Zagreb and the surroundings in March and Sisak and Moslavina in December there were many complaints about *safety conditions* in schools and kindergartens. Parents complained about schools' safety conditions, about the risk of fragments of buildings and facades falling on the sidewalk and about unsafe school routes.

As in the previous years, there were also complaints about the lack of qualified professionals, the illegal and unethical conduct of the education and other staff in educational institutions towards children, the violations of children's dignity during grading and while imposing pedagogical measures, religious content in educational institutions and other issues.

The high-quality collaborative communication between parents and educational workers was the key for overcoming numerous challenges posed by the pandemic. Both parents and teachers needed additional support as they had to adjust to new conditions, demonstrating understanding and patience. They also required additional support to master the requirements of remote classes. Unfortunately, some parents refused to apply the required protection measures, which caused conflicts between parents and teachers and had a negative impact on children's rights.

Insufficient recognition of children's individual needs is still observed in the actions of educational institutions, and the principle of the best interest of the child is not respected in decision-making. It is necessary to intensify the professional development of education workers in the area of children's rights and strengthen teacher competencies, with an emphasis on the evaluation of training outcomes. The introduction of the system of **licensing of education workers** would contribute to establishing and unifying the quality of educational work and reducing the violations of children's rights.

In the preschool education of **children with disabilities**, the main problems were related to kindergarten enrolment, the length of stay in kindergarten and ensuring kindergarten assistants. It is necessary to legally regulate the support of kindergarten assistants for children with disabilities and the option of staying in kindergarten for several years for children with disabilities who are exempt from compulsory school enrolment. The implementation of an appropriate curriculum is the greatest difficulty faced by children with disabilities in primary education (as shown during the pandemic, in online classes too), whereas difficulties they encounter in secondary education include enrolment in the first grade and professional guidance for students. There is a need for additional investments in the professional training of education workers for implementing the forms of education suitable for students with disabilities.

## 2.4 Health care rights

The Office of the Ombudsman for Children acted on 162 individual complaints, issued 10 recommendations and 1 press release and proposed amendments to an ordinance that, among other things, concerns children's health.

**The COVID-19 pandemic** had an effect on the realisation of the children's right to enjoy the highest attainable standard of health. The complaints concerned the following issues: parents' dissatisfaction with the methods

of their children's check-ups in health care institutions during the pandemic; a lack of quality communication and rapport on the part of health care workers with parents and children, parents' visits and stays in hospital during their children's medical treatments, the health protection of children in schools and kindergartens during the pandemic and dissatisfaction with the decisions of the Civil Protection Headquarters that concerned children. In response to a large number of complaints, the Ombudsperson for Children, in her media appearances, frequently pointed out that children should be granted their right **to be visited by their parents and to have their parents stay with them in hospital** and that women should be allowed to be accompanied during childbirth, all this in compliance with measures to protect the lives and health of both patients and employees. Already at the outbreak of the pandemic it became evident that **inadequate hygienic conditions in some schools**, where there was no toilet paper, warm water and soap in toilets, posed a problem and risk for the spread of the contagion. This should become a standard that children can expect in any educational institution – and not only during the pandemic.

The Ombudsman for Children advocates the realisation of **the right of the child to be vaccinated**, this being one of the most efficient measures for the protection of children's health. Any unjustified failure to have a child vaccinated constitutes a violation of the right of the child to enjoy the highest attainable standard of health.

Other concerns are raised by **an insufficient number of mental health specialists** who work with children and **the non-availability of expert psychological counselling** for children living outside large cities. It is necessary to organise easily accessible mental health protection services in communities in addition to systemic psychological support to be provided to children within the educational system.

There are neither enough facilities nor personnel for **the hospital treatment of children with mental health difficulties**. An unresolved issue remains the provision of support and professional assistance to **children with behavioural problems and mental health difficulties**, who remain hospitalised too long or are frequently hospitalised. Another cause of concern is the in-patient psychiatric treatment of children (minors) deprived of freedom that are in detention on remand or in a correctional institution. The Office took an active part in finding a legislative solution for the forced accommodation of children (minors) who were declared mentally incompetent in the course of criminal proceedings.

A worrying issue is children's high **consumption of alcohol and cigarettes** and their accessibility to children, legal prohibitions notwithstanding. Despite prohibitions, children take part in **gambling and betting**. These activities carry a risk of addiction, which is a social problem that requires the undivided attention of parents, educational and health care institutions as well as of the society as a whole.

In connection with humanising the conditions of treatment of children with malignant diseases, the Office of the Ombudsman for Children expects the implementation of a recommendation to organise hospital classes for all primary and secondary school students undergoing hospital treatment.

Children temporarily residing in Croatia, irrespective of the reasons for such residence, should enjoy the health care standard equal to that enjoyed by children who are Croatian citizens. The funds required should be provided from the government budget.

A persistent problem is **an insufficient number of professionals** in the health care system. Parents also complained about **having to wait too long for children's specialist examinations**; waiting lists published on the website of the Croatian Health Insurance Fund prove the validity of their complaints. The scope of health services provided to **children with disabilities** has decreased owing to the COVID-19 pandemic and the Zagreb earthquake. A continuing problem is a shortage of hospital accommodation for the treatment and/medical rehabilitation of children with disabilities and a lack of child psychiatrists for the diagnosis and treatment of children with multiple difficulties (within institutions in which they are accommodated).

## 2.5 Social and economic rights

There were 62 complaints related to the protection of children's social rights and 72 complaints about the protection of children's economic rights. The problem of child poverty was especially pronounced in 2020 due to the COVID-19 pandemic. Financial aid does not suffice, children living in poverty have to be included in preschool education (this also applies to children of unemployed parents), helped to prevent, recognise and solve

problems caused by living in poverty, assisted with education, prevented from dropping out of school and provided with free school meals.

## SOCIAL RIGHTS

The majority of the complaints in this area concerned maternity and parental benefits (16) and child benefits (12). The issues observed include the slow pace of decision-making on the social rights and expertise of children with disabilities; informing parents on the rights of children with disabilities; strengthening the capacities of social welfare institutions for children with disabilities and developing early intervention services for these children. The protection of children's rights should be enhanced by regulatory amendments on child benefits, survivor pensions as well as maternity and parental benefits.

## ECONOMIC RIGHTS

Most of the complaints in this area were related to the right to an adequate standard of living (35), followed by the complaints about the use children's property and protection of their property rights in general (19), protection from economic exploitation and hazardous labour (11) and advertising (7).

**Right to an adequate standard of living** – *The coronavirus crisis* has affected the living standards of children and revealed problems caused by their parents' job and accommodation losses, housing conditions unsuitable for implementing epidemiological measures, maintaining hygiene and distancing as well as difficulties with online classes experienced by children who had no adequate technical and housing conditions. Problems persist concerning children whose parents need to use council or public flats, or emergency accommodation, because the existing facilities are insufficient and procedures for the exercise of these rights last long, while current conditions are inappropriate for dignified and safe housing. Efforts should be invested into improving the availability and conditions of housing.

**Economic exploitation and hazardous labour** – The 11 complaints received referred to the following: illegal child labour and child employment, the violations of students' rights during their practical training and apprenticeship, children's participation cultural, artistic, and promotional activities, student service jobs and child beggars. Vocational school students and teachers complained about **finding employers for practical training, apprenticeship and on-the-job practice** under the conditions of the pandemic and problems with mastering some elements of practical training in online lessons. During the procedure of adopting ordinances on apprenticeship and vocational school classes, the Ombudsman for Children submitted proposals for the protection of rights and interests of students to the then Ministry of Economy, Entrepreneurship and Crafts and the Ministry of Science and Education. The most important proposals included compulsory conviction record checks and periodical verifications of mentors and other persons coming in contact with children. No implementing act has yet been adopted to govern children's participation in **artistic, audio-visual and promotional activities**. There is neither comprehensive approach to the exploitation of children for **begging** nor an ongoing cooperation between competent authorities, and no long-term child protection measures have been planned. These issues have been raised by the Ombudsman for Children for years.

**Property rights** – There were 19 complaints concerning the following issues: paying real property transfer tax; the wrongful holding of movable property of a deceased parent; inheriting debt-burdened property; managing and protecting property co-owned by children where the only parent is incapable of doing that; inheriting debts from abroad; using funds from the child's account; protecting the property interests of children in guardianship; seizing monetary funds exempt from execution; parental dispute over the division of the matrimonial property in the context of the child's right to a home; restricting the parents' right to manage and use the donated property; contracting and paying for lawyer services and commissions at the expense of children. A loose interpretation of the term "more valuable property" and a lack of protective mechanisms still create room for the numerous violations of children's property rights. Parents should be better informed prior to concluding legal transactions on behalf and for the account of their child. 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 complaints and actions taken concerned the protection of children against inappropriate content in television commercials and other advertisements (teletext ads, gambling and betting ads). Efforts should be invested in raising the awareness about the harmful effects of advertising on children in order to make advertisers comply with the advertising code of ethics. A continuing issue of

concern, also recognised as such by the UN Committee on the Rights of the Child, is children's exposure to inappropriate media content, such as pornographic and alcohol advertisements as well as their, as of recently, growing exposure to gambling and betting ads.

**Child budget** – In 2019, the Republic of Croatia presented the first child budget, planning to allocate HRK 18,672,145,750 for the execution of children's rights. However, the budget projection for 2020 was HRK 18,945,828,798 and for 2021 HRK 18,616,906,444. To date, no data have been disclosed on the actual amount of funds allocated from public budgets for the execution of children's rights in 2019, on the planned allocation in 2020 and on the projections for 2021 and 2022. The stance of the Ombudsman for Children is that the child budget and the annual child budget execution report should be disclosed on an ongoing basis and that the appropriateness of the child budget in its current form should be revised. In cooperation with the Central State Office for Demographics and Youth, the Office of the Ombudsman for Children started to gather information from ENOC members regarding their experiences about the allocation of funds for children's rights.

## 2.6 Cultural rights and leisure

The Office of the Ombudsman for Children received 36 complaints of violations of cultural rights, most of them concerning the protection of rights of child athletes (25)<sup>1</sup>, while the rest were lodged about the right to leisure time, the inadequate conditions of playrooms and child care agencies, poorly maintained playgrounds and religious education classes. As regards elective religious education classes, the Ombudsman for Children reiterated the recommendations that these classes should be scheduled at the beginning or at the end of the school day. If this is not possible, schools should enable children not attending religious education classes to participate in other supervised activities during that time. In addition, the Ombudsman has for several years been advocating the introduction of **alternative elective classes** for primary school children who do not attend religious education classes.

The absence of regulation and inadequate efforts on the part of actors that can contribute to a more complete protection of children's rights to leisure give rise to a large number of risks and violations of children's rights. It is worrying that **no regulations have been adopted on playrooms, playgrounds and other areas for children's play** with respect to their spatial, technical and personnel conditions and that there are no regulations on the protection of children participating in artistic, audio-visual and promotional activities. *The Associations Act* was not amended as required by the Ombudsman for Children in order to regulate the protection of children against child offenders, establish standards for the provision of services to children in associations and the supervision of associations' activities.

## 2.7 Protection of rights in judicial proceedings

The bulk of the complaints related to this area was filed over the conduct of police officers, social workers, special guardians and lawyers as well as about the actions of courts and the State Attorney Office. The complaints concerned the inappropriate behaviour of police officers towards children or in the presence of children, a lack of action or inadequate action by social workers, the inappropriate protection of children's rights in family law proceedings and the actions of lawyers who tend to disregard the interests of the child participating in the proceedings while representing the interests of their clients.

Some of the complaints were voiced over the ill-suited treatment of children in judicial proceedings, inadequate and disappointing court judgements, the violation of children's privacy as well as over parents and children being ill-informed about children's rights and the ways to execute these rights. A major cause for dissatisfaction is the excessive length of judicial proceedings. The Office has for years been advocating **the establishment of specialised family courts**, which would be competent for all proceedings within the scope of children's family law protection, including misdemeanour and criminal proceedings and the implementation of court decisions.

<sup>1</sup> Complaints, observations and activities related to this area are described in more detail in the section *Children's rights in sports*.

## 2.7.1 PROTECTION OF CHILD VICTIMS AND WITNESSES

As shown by the Ministry of the Interior data, 4,263 crimes against children, which caused harm to 4,376 children, were discovered and reported in 2020. The victim's problems with access to justice were mostly due to a lack of information and insufficient support and protection. An organized system for the protection of child victims has not been established and not all children have the same access to and treatment in judicial proceedings. It is necessary to **institute a protection system** for child victims and witnesses, modelled after the protection system for victims of human trafficking, appoint a national coordinator for the rights of child victims, set up operational mobile teams and, on the pattern of the Scandinavian *Barnahus*, establish an interdisciplinary centre for child victims and witnesses.

The judiciary reform should aim for swifter and more efficient judicial proceedings in order to help child victims achieve a speedier recovery. All child witnesses in judicial proceedings, irrespective of their age, should be ensured equal conditions for giving testimony to protect them from additional traumatising. Child victims must have the right to a high-quality representation of their interests during criminal proceedings, which can be achieved by providing lawyers with special professional training. The Ombudsman for Children therefore emphasises the need to **adopt a special regulation** specifying the elements and criteria for appointing a legal representative and the type of compulsory training required to acquire qualifications for representing a child.

### 2.7.1.1 Protection from sexual exploitation and abuse

As shown by the Ministry of the Interior data, 573 sexual offences against children were reported in 2020, which is a considerable decrease from 702 discovered and reported in 2019. In 2020, the Ombudsman for Children received 56 complaints over the right of the child to protection from sexual exploitation and abuse. A cause of concern is a large number of reports of sexual violence in educational institutions or related facilities, including, for example, a child's sexual harassment during the on-the-job practice and by a school bus driver. It is especially worrying that reports of sexual harassment are filed by students against teachers. Most schools report that, once harassment has been reported, responsible persons cannot protect children because there is no legal basis for the offender to be suspended until the start of criminal proceedings. It often happens that sexual harassment cases go unprosecuted, with the result that, in the absence of criminal proceedings, abusers can keep their jobs that involve coming in contact with children and continue to sexually harass them.

A teacher **licensing system** would contribute to the protection of children. The licensing of persons who work with children, not only in the educational system, but also in other systems that organise activities involving children, is an important segment of the protection of children. A license is proof that a person working with children meets the prescribed conditions and has the required competences and, as such, provides a degree of security.

**Conviction record checks** are not carried out systematically or in a proper manner. The conviction record that includes information on certain crimes prevents a person from performing jobs that involve contact with children only under some special regulations, e.g., those governing the educational system, social welfare system, foster care, sports, volunteering, etc. As these issues are regulated differently across systems, there are loopholes that enable convicted sex offenders to continue coming in contact with children despite general prohibition. There are also areas where obstacles to working with children and the required verification of the conviction record for persons coming in contact with children in the Criminal Records are not regulated at all (e.g., associations for children). The area of provision of services for children is also unregulated, including organised children's play and child care, sports and music workshops, private tuition for children, children's camps, etc. In an effort to ensure a comprehensive and systematic protection of children, the Ombudsman for Children submitted **an initiative** to the Government of the Republic of Croatia **to adopt a special regulation** on the protection of children against sexual harassment and abuse.

The judiciary often responds inadequately to reports of sexual offences against children: **proceedings drag on, sentences are mild and security measures are not imposed**. Due to such mild sentences, conviction records data are kept in the Criminal Records only for a short period of time. Once child sex offenders have been rehabilitated and their criminal records can no longer be verified, they are free to accommodate exchange students in their homes and get a job in a kindergarten, children's home and school or any other job that involves a direct contact with children and they can adopt or foster children. The Ombudsman for Children has constantly required that offenders convicted by a final judgement **should be prevented from coming in contact with children again** and that conviction records data should be stored permanently. *The Criminal Code*

should also be amended in order to prevent the courts from imposing mild sentences and to **prohibit ordering community service** for convicted child offenders. Those convicted by a final judgement of child sexual abuse or exploitation should be automatically **prohibited from working with children** and put under **protective supervision**, irrespective of the level of sentence.

**The prevention of sexual violence and children's education on sexual violence issues** are very important segments of the comprehensive approach to the protection of children against sexual exploitation and abuse. Unfortunately, such programmes, including the sexual education programme, are not part of regular and compulsory curriculum and are therefore not accessible to all children under equal conditions. Project activities carried out in some schools are of limited duration and, not being compulsory and implemented systematically, do not provide sufficient protection to children against sexual abuse.

## 2.7.2 PROTECTION OF RIGHTS OF CHILDREN IN CONFLICT WITH LAW

The complaints concerning this issue referred to the conduct of police officers and shop security guards, the actions of courts and the conditions for the execution of institutional correctional measures. The Office of the Ombudsman for Children also tackled serious and violent crimes committed by juvenile reoffenders who had been processed in several systems for a number of years. The complaints about **the actions of the police** were mostly related to the rough treatment of child/minor suspects and to suspicion of biased representation in the cases when a police officer was a witness, the child's legal representative or suspect. The complaints also indicate that **the conduct of security guards** towards children and minors suspected of theft, most often in shops, is insufficiently regulated. Although *the Personal Protection Act* (Official Gazette 16/20) was adopted, it fails to fully incorporate the proposal put forward by the Ombudsman for Children that a child should be recognised as a special subject of protection and a developing person, except in the context of using means of restraint on children with a high degree of caution and only as a last resort. The treatment of minors in **misdemeanour proceedings** has shown no signs of progress as regards the involvement of experts. The measure of **detention on remand for 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** and considers it necessary that they be provided with additional training. Most difficulties were observed in the execution of **the correctional measure of referral to a correctional institution. Specialised foster care**, which could replace placing minors in care, is still underdeveloped. In addition, the right to special protection of health, in particular mental health, of **minors in the prison system**, is not realised, as minors in detention and those in correctional institutions are hospitalised together with adult patients in the Prison Hospital in Zagreb, which is discriminatory against this group of minors.

## 2.8 Safety, accidents and hazardous environment

The Office of the Ombudsman for Children received 116 complaints of individual violations of children's rights, involving 130 children and 20 child groups. Most of the complaints concerned **traffic risks for children and traffic accidents involving children** (67) and **harmful environmental effects on health** as well as other child safety threats (32). The Office also monitored issues related to **missing children**, children's safety **in playgrounds and playrooms** and risks to children arising from animal bites, electromagnetic field immission from devices installed in the vicinity of residential areas and educational institutions, air pollution, pyrotechnics, weapons and mines.

**Safety of children in traffic** – The Office acted on 67 individual complaints, of which 64 were related to road traffic safety, 2 to accidents at sea and 1 to air traffic safety. In 2020, 993 children were injured in traffic accidents. Eight (8) children died. It is necessary to strengthen preventive activities and programmes aimed at child protection and enhance transport safety conditions in all types of traffic, with a view to encompassing all children, from preschool to secondary school students; improve traffic culture; sanction drivers who cause traffic accidents owing to top four *traffic killers*: not wearing a seat belt, speed, alcohol and mobile phone use, which is especially dangerous when children are on board.

**Safety of children in playgrounds and playrooms** – There is still **no regulation** governing the operation of children's playrooms and their surveillance. Playrooms are not **controlled** in terms of space, equipment, persons coming in contact with children and programmes offered to children. 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 operation of children's playrooms and to improve the maintenance and safety of children's playgrounds and surveillance systems. However, it is still unclear which ministry is in charge of proposing a regulation on children's playrooms. Therefore, until such 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 playgrounds should be made accessible to all children.

**Missing children** – In 2020, the number of children who fled from institutions (1,053) was lower than in 2019 (1,461), which may be attributed to the impact of the pandemic on children's lives. The majority of children recorded as missing are those who fled from institutions (757). Most of them are children with severe behavioural problems, who often run away from care. Children running away from their homes or institutions expose themselves to danger, as proved by the fact that 15 criminal offences were committed against such children. It is important to work on the prevention of children going missing by early detection of families at risk and eliminating reasons due to which children run away from institutions (poor conditions, inadequate treatment and approach, peer violence). It is necessary to adopt protocols or guidelines for the cooperation of competent authorities in the cases when a child goes missing. It is also crucial to create conditions for the implementation of a missing children alert system, such as *Amber Alert*.

**Harmful and hazardous environmental impacts and other issues** – The Office of the Ombudsman for Children received 11 complaints about harmful environmental impacts on children's health and 21 complaints about other threats to children's safety. The complaints were filed about irregular disposal of harmful waste, polluted air and green areas, machine noise and noise coming from a restaurant, potentially harmful effect of radiation from telecommunication equipment, damaged playground equipment, threats to children from machinery and equipment, use of weapons and drowning in a pool. Despite the requirement that all kinds of dangerous waste be disposed of in accordance with regulations, parents complained about the organisation of work during **the replacement of asbestos roof tiles** on a school building, oily railway sleepers abandoned along the road and the processing of dangerous waste in the vicinity of schools and kindergartens, which is a cause for worry.

The public should be more frequently informed about procedures and regulations on the construction of telecommunications networks so as to better understand issues related to protection from **electromagnetic radiation** in populated areas. The Government of the Republic of Croatia should more actively tackle the issue of **air and environment pollution** in Slavonski Brod.

The Office of the Ombudsman for Children calls 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. In view of the cases of dog attacks on children, self government units' municipal services should step up efforts to supervise the implementation of regulations on keeping dogs.

## 2.9 Discrimination

The Office of the Ombudsman for Children acted on 35 complaints pursuant to *the Anti-discrimination Act*<sup>2</sup>. The complaints referring to **the education system** (12) continue to indicate that education workers neither understand nor recognise discriminatory behaviour and that they fail to act timely and appropriately with regard to children. Out of these complaints, 6 concerned discrimination in general, 5 referred to discrimination **in access to goods and services**, 4 concerned discrimination in **culture and art** and 3 **in sports**. A lack of understanding of the concept of human rights and discrimination prohibition on the part of public authorities, media representatives and other legal and natural persons results in putting children in an unfavourable and discriminatory position, **gender stereotyping as well as prejudices and hostile attitudes towards minority groups and communities**.

It is necessary to do the following, in a systematic and continuous manner: educate education workers and sports personnel in children's rights and prohibition of discrimination; include children into programmes on tolerance, non-discrimination and diversity acceptance; implement the recommendation of the UN Committee

<sup>2</sup> OG 85/08 and 112/12.

on the Rights of the Child on fostering intercultural and interreligious dialogue in local communities and schools; step up efforts to prevent discrimination of poor and sick children, national minority children, alien children and other marginalised groups; implement education on human rights and discrimination prohibition for the representatives of public authorities and for editors, journalists and other collaborators who participate in the creation of media content.

## 2.10 Other rights and lack of jurisdiction

The Office received 32 inquiries and requests for assistance concerning matters that were out of the jurisdiction of the Ombudsman for Children and were not related to the violations of children's rights. These concerned the area of labour relations, education, pension and social welfare systems and family relationships. The complainants were instructed about the ways to seek a solution for their problems and the protection of their rights, while some inquiries were forwarded to competent authorities.

3

# NETWORK OF YOUNG ADVISORS (NYA)

## CHILD PARTICIPATION

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 children aged 12 to 18 from the whole of Croatia. Their mandate lasts three years. 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. Children apply to the NYA membership on their own, via a public tender. Due to the pandemic it was not possible to organise a tender for the appointment of the new NYA generation according to the procedure in which the members of the current generation take an active part. It was therefore decided to prolong the term of current NYA members for another year.

The NYA was active in the extraordinary conditions caused by the *coronavirus*, mostly relying on digital communication methods. The members communicated via an e-forum and a WhatsUp group. The NYA's e-forum featured extensive discussions on the life of children and young people during lockdown, with a focus on *distance learning*, and doubts and problems regarding the state graduation exam, the impact of the Zagreb earthquake on children's everyday lives and other topics. The NYA meetings on the national level (three of them) were held online.

The NYA members participated in **13th European Forum on the Rights of the Child – Delivering for Children: towards the EU Strategy for the Rights of the Child – held online** by the European Commission; in consultations with children on the compilation of the new EU *Strategy for the Rights of the Child* and the EU document *Child Guarantee*; in the work of the National Eurochild Forum (NEF), aimed at increasing civic and digital competence and raising the awareness of children and adults about the need to include children in decision-making processes, conducted on all levels, from local to EU levels; in the work of the UNICEF's Child Participation Advisory Board and the Advisory Board for Children's Rights and Corporate Social Responsibility; in the work of the National Reference Group for the Situation Analysis of Children and Adolescents in Croatia (SitAn), established by the UNICEF; in the panel discussion *Do We Talk about Mental Health with Children and Young People*, organised as part of the Children's Rights Festival and in the *online* conference for young people *Importance of Involving Young People in the Prevention of Sexual Violence*, organised by the *Ženska soba* association. Five members of the **NYA participated in the online** conference *Current Issues in Child Protection during the COVID-19 Pandemic*, organised by the Office of the Ombudsman for Children, which emphasised children's needs for psychological support, which is most often not available to them.

# SPECIFIC AREAS OF PROTECTION OF CHILDREN'S RIGHTS

## PROPOSALS FOR THE DEVELOPMENT OF AN INTEGRATED SYSTEM FOR THE PROTECTION OF CHILDREN'S RIGHTS

### 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, Italian and Hungarian ethnic backgrounds. Due to *the coronavirus crisis*, most of the activities of the Ombudsman for Children in this area were focused on the quality of the implementation of remote classes, especially for Roma students who were particularly exposed to the unfavourable effects of this crisis. Therefore the Ombudsman for Children issued a recommendation to the Ministry of Science and Education, the Ministry for Demography, Family, Youth and Social Policy, the Ministry of Health and the Education and Teacher Training Agency with an aim of improving the position of Roma children during the COVID-19 pandemic.

### 4.2 Rights of children with behavioural problems

Children with behavioural problems are a very vulnerable group and the epidemic has additionally jeopardised the exercise of their rights. The most frequently violated rights include the right to protection from violence and neglect, the right to adequate education, the right to psychiatric treatment, the right to receive adequate and timely expert support and protection, the right to express their views and the right to information, especially in institutions. **Educational institutions** do not employ a sufficient number of experts in expert services, especially social pedagogues, and teachers are not sufficiently trained in detecting risks and in early interventions. *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. In the area of **family law protection** of children with behavioural problems, measures taken within the family are delayed and inefficient, which exacerbates children's behavioural problems, procedures for children's removal from families at risk are initiated too late and take too long.

The violations of the rights of children with behavioural problems most often occurred in homes for children with behavioural problems – **correctional institutions**: inadequate accommodation, insufficient expert and treatment work with children, inadequate basic education of the education staff and insufficient training and supervision, insufficient psychotherapy and psychiatric treatment for children with mental health difficulties, insufficient realisation of the children's right to participation. It has been observed that competent authorities are aware of the problems and are interested in improving the situation. The Ministry of Labour, Pension System, Family and Social Policy has informed the Office about the undertaken and planned activities.

### 4.3 Rights of children of incarcerated parents

The complaints of individual violations of rights referred to children's hindered contact with incarcerated parents, especially at the time of pandemic, ambiguities in the implementation of family law measures and the realisation of children's property rights. The Ombudsman for Children has issued several spe-

cific and general recommendations for the protection of the rights and interests of children of incarcerated parents.

These children still do not enjoy equal rights with regard to the legal status of their parents' deprivation of liberty: the scope of visitation for pre-trial detainees is restricted and children and their parents are not included in parenting skills enhancement programmes; at the maternity ward of the Požega Penitentiary, children born immediately before their mothers were sent to serve their prison sentences cannot stay with them. In exceptional cases, under the new *Law on the Execution of Prison Sentence* (OG 14/2020), children born while their mothers were in detention or while they were serving their prison sentences are also allowed to live with their mothers until they are three years old. Among the proposals issued by the Office, which were integrated in the Law, is the proposal that children born in prison may be allowed to stay with their mothers after they are three years old, provided that the remaining sentence is not longer than six months.

Due to the pandemic there was a period when no visits of family members were allowed and prisoners did not realise the benefits of frequent contacts with the outside world. The Office recommended to the Directorate for Prison System and Probation to enable **video contacts** in all penalty institutions and to expand **the possibility of telephone contacts between the child and the parent**. It was emphasised that such forms of communication must not replace **direct contact**, which should be maintained whenever possible. Penalty institutions also continued to invest in premises for visits to prisoners, video contact equipment and staff training and to implement the education and development programme: Prisoner as a Parent. Most of the programmes of associations for empowering parenting in penitentiaries were not implemented due to the pandemic.

## 4.4 Media and the protection of children's rights

The Office received 25 complaints concerning the violations of children's privacy in the media, and 20 complaints concerning potentially harmful content for children. *The Act on Electronic Media* provides 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 mildly sanctioned. The Office believes that the Agency for Electronic Media and broadcasters should put more efforts in the education of journalists and editors on the protection of children's rights in the media. The Office strives to make a contribution through its recommendations addressed to the media, which are also published on the [www.dijete.hr](http://www.dijete.hr)<sup>3</sup> website. The new Act on Electronic Media, currently in the legislative procedure, is expected to improve the protection of children from inappropriate electronic media content, including digital platforms used by children.

In the context of the children's right to high-quality media content, the Office is particularly monitoring programmes for children, which the Croatian Radio Television is obligated to produce, and believes that it is necessary to considerably increase investments in the improvement of quality and diversity of programmes offered to different age groups. The Office also follows and supports children's film festivals and other initiatives in the development of media literacy of children and young people. Despite an increasing number of such informal initiatives that include many schools, the Office believes that the Ministry of Science and Education should define a national curriculum for the development of media literacy that would guarantee a standard across schools and thus be accessible to every child.

## 4.5 Rights of children in the digital environment

In the year marked by the pandemic and earthquakes the number of hours children spent online increased considerably. Experts point to a noticeable increase in the exchange of explicit photographs and videos of children, the reports of potential sexual abuse and exploitation of children and criminal offences of sexual abuse of children on the internet. The Office has also observed other violations of children's rights in the digital environment: peer violence on social media, the exposure of children to inappropriate content; incentives to engage in risky activities via social media, in particular on TikTok; exposure to various, often negative influences by influencers and YouTubers; the violations of the right to privacy; the participation of children in violent computer games; children's addiction to the internet and computer games; health problems arising from the excessive

<sup>3</sup> <http://dijete.hr/press/>.

use of the internet, and similar. Some inadequate responses by parents and experts are also worrying, as well as an insufficient support provided to children who have experienced violations of their rights in the digital environment.

This year it was even more challenging to raise awareness and teach children about a responsible and safe behaviour on the internet and to support them if they experience embarrassment or their rights are violated in the online world. Children, experts and parents should be encouraged to adjust to new circumstances, with an emphasis put on the positive aspects of the digital environment in exercising their rights and the possibilities offered by the digital world.

## 4.6 Children's rights in sports

The Office acted on 59 cases related to the protection of children's rights in sports. Among them were also complaints concerning inappropriate and violent behaviour of coaches towards children in clubs, the impact of conflicting attitudes of adults on children, the decisions of clubs/associations, and the organisation of competitions. The Office expects a better legislative regulation of the status of child athletes and their position in procedures in which decisions are taken that concern them. More efficient protection is also required in the cases of different forms of violence against children in sports, as well as **the introduction of licences** and the appraisal of professional and pedagogical competencies of persons working with children. It is also necessary to improve the health care of child athletes, which has so far been insufficiently regulated.

Due to the COVID-19 crisis, the Civil Protection Headquarters on several occasions adopted decisions prohibiting children's sports activities, training practices and the use of sports facilities. The Ombudsman for Children reacted by issuing recommendations to apply a differentiated approach in such decisions (e.g. depending on whether it concerns indoor or outdoor sports, aerobics and contact sports, etc.). The recommendations were aimed at enabling the inclusion of children in sports activities in accordance with the current epidemiological situation, which was not realised until the end of the year. Even before the pandemic broke out, data on the large number of physically inactive children had been a cause of concern. This number is expected to grow further due to the appearance of COVID-19 and epidemiological measures imposed.

## 4.7 Children on the move

The Office monitored the realisation and violations of rights of migrant children, in particular with regard to their collective expulsions by police officers at the border with Bosnia and Herzegovina. Despite the 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. The spatial and personnel capacities of social welfare institutions admitting unaccompanied children are inadequate. Unaccompanied children should be given adequate accommodation in the form of a specialised institution and arrangements should be made for their accommodation with foster families. The guardianship system for unaccompanied children continues to exhibit problems. Guardians need to be provided with special education, supervision and professional status as well as with a support network. The problem of non-inclusion of unaccompanied children in schools, as well as the inadequate inclusion of children seeking international protection and children granted international protection in the education system remains current.

## RECOMMENDATIONS OF THE OMBUDSPERSON FOR CHILDREN

In addition to several hundred recommendations related to individual cases, in 2020 the Ombudsman for Children issued 72 general recommendations, warnings and statements for the purpose of improving the protection of rights of all children or individual child groups. General recommendations were issued with regard to the following areas: education (11), health care (10), family law protection (6), protection from violence (6), property rights protection (6), security protection (3), sports (5), justice (4), the protection of vulnerable child groups (4), the media (4), economic and social rights (4), the protection of privacy (3) and protection from discrimination (3).

The largest number of recommendations (29) were in response to the crisis caused by the COVID-19 pandemic. The Office warned about the need to protect children in the new forms of organisation of classes, in the implementation of epidemiological measures, regarding their health and safety and the protection of their economic and social rights due to the increased risk of poverty in the conditions of economic crisis caused by the pandemic. The Office sought guarantees for the safety of children after the devastating earthquake in Zagreb and the surrounding area, warned about the need to protect particularly vulnerable child groups in pandemic conditions: Roma children and children with disabilities, reacted to inappropriate behaviour and hate speech, the violation of children's privacy and to the attempts of discrimination of children.

Out of a total of 72 recommendations, **38 were accepted**, 12 of which were completely realised, 3 were partly realised and 2 are in the process of realisation. Some recommendations were accepted in principle (21), but their realisation requires considerable systemic changes or, due to the shortage of funds, they cannot be realised in the current circumstances. However, their realisation is expected as soon as conditions are met. **Some recommendations of the Ombudsman (13) were general by nature**, reminding competent authorities of the need to protect the child's best interest.

**Eight recommendations were not accepted.** After the adoption of the decision on the return of children to schools and kindergartens in May, the Ministry of Science and Education did not accept the recommendation to consider extending standby duties in kindergartens and programmes at schools for children that could not be taken care of by their employed parents in any other manner, and to **end the school year (2019/2020) in the form of remote classes**, i.e. online lessons. The Ministry did not accept the recommendation with regard to the organisation of classes for children with disabilities either. The Civil Protection Headquarters did not accept the recommendation to clearly define the rules with regard to the testing of children as a precondition for the entry in the Republic of Croatia and to transparently inform the public thereof. The ministry competent for social welfare and family did not accept the recommendation to ensure support for children who, due to different life circumstances and situations, are permanently left without any means of support. The same ministry did not accept the recommendation to make the information on the possibilities of temporary accommodation of children with a severe disability, in the case of the parent-caregiver falling ill, publicly available to parents-caregivers (on the website or by announcements through the Headquarters). The Ministry of Finance did not accept the recommendation of the Ombudsman to ban the opening of slot machine clubs and casinos in the vicinity of educational institutions. The Mayor of Imotski disregarded the Ombudsman's warning and recommendation regarding the carnival burning of mannequins representing the same-sex couple with a child. RTL did not accept the recommendation to remove inappropriate advertisements from the main teletext page so that children are not exposed to harmful content. The City of Hvar ignored the recommendation to abolish the harmful custom of children smoking cigarettes on the occasion of celebrating the feast of Candlemass. The Office has not yet received **any feedback regarding 13 recommendations**. In some cases it takes over several months to receive any response from competent authorities.

## LEGISLATIVE ACTIVITIES

The Office of the Ombudsman for Children participates in the improvement of the legislative framework for the protection of children's rights by submitting proposals and opinions on draft regulations, initiating their amendments or the adoption of new regulations and by taking part in task forces and parliamentary committees. The activities of the Office in this area are conditioned by the dynamics of putting forward new or amending existing legislative proposals addressed by competent authorities in the legislative procedure. The attempts to actively participate in the setting up of a quality legislative framework for the protection of children's rights are often limited because regulations are frequently adopted in an urgent, abbreviated procedure in which public consultations are sometimes conducted only as a matter of form, as short deadlines for the submission of proposals do not provide an opportunity for a serious and good quality discussion. The Office is rarely engaged in the phase of drafting regulatory proposals (in 2020, only the Ministry of the Interior and the Ministry of Culture requested the opinion of the Office on two occasions regarding draft regulations before and during their submission to public consultations). The inability to influence the content of regulations in the phase of their preparation also reduces the possibility of intervention in the later phases of their adoption. In the e-consultation process, the proposals of the Office are most often generally accepted or taken as a note for future amendments, but they are not actually integrated into regulations. The Ombudsman for Children should be more engaged, informed and acknowledged as a partner in the creation of regulations on children's rights or those that govern the issues of importance for children.

The Office of the Ombudsman for Children participated in the procedures of enactment or amendment of 30 regulations and strategic documents. After reviewing the content of the regulatory proposals, the Office did not have any comments on 10 of them, while it issued proposals and opinions on 14 draft regulatory proposals, specifying more than 57 changes regarding the protection of children, of which only 17 were accepted, and 9 were accepted only partially. The Office submitted 5 **initiatives for the enactment of regulations**. The proposals included the enactment of a new regulation on the protection of children from sexual violence, specific amendments to the Associations Act, the Social Welfare Act and the Ordinance on the requirements for buses for organised transportation of children. The Office has also proposed that the 2021 Legislative Activities Plan of the Ministry of Labour, Pension System, Family and Social Policy should include amendments to the Family Act, the Child Benefit Act, the Maternity and Parental Support Act and the Pension Insurance Act. The Office staff also participated in the work of the task force for the preparation of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the Period 2021 to 2027.

## RESEARCH ACTIVITIES

### 7.1 Children in homes for children without adequate parental care

Research on children and young people accommodated, placed and residing in homes for children without appropriate parental care and community service centres was partly related to the organisation of life of children in homes/centres during the COVID-19 pandemic. **The number of 730 children placed in institutions** showed a moderate increase from 2019, while the number of 67 young people placed in institutions showed a decrease from 2019. Out of the total number of children in institutions, a high 210 (29%) of them are below the age of seven. The largest number of children (248) were admitted to institutions from their biological families, 26 children were transferred from foster families to homes, while accommodation in institutions was suspended for 315 children and 75 young people. The number of children covered by the service of residing in institutions was reduced. More than a half of the total number of children in homes and in organised housing was included in the psychosocial treatment and counselling. On 31 December 2020, there were 97 children who met legal conditions for adoption in homes and community centres, and 29 children were adopted in the course of the year.

Homes for children without appropriate parental care were well organised during the COVID-19 lockdown, and the staff put significant efforts into providing assistance and support to children. All institutions emphasise that children have been very patient in the situation when they experienced numerous restrictions and were deprived of many events and activities important to them. Many homes awarded them special recognitions and diplomas as to the “superheroes” of the coronavirus crisis.

## 7.2 Providing services to children with disabilities during the pandemic – a situation analysis

An analysis of the realisation of social and educational services for children with disabilities during the pandemic shows that this crisis has had a particular impact on the development and education of children with disabilities. The suspension or shortening of the scope of therapies and rehabilitation procedures has had a negative impact on children’s development because it leads to stagnation, and sometimes even to regression in children’s development and functioning. In addition, remote classes were very challenging for children with disabilities. In this context, five areas have proved to be exceptionally important and should be taken into account in the case of a renewed need for remote classes: (1) the importance of direct work with children with disabilities; (2) necessary support from parents (family members) in implementing remote classes; (3) insufficient feedback and the problem of evaluation of students with disabilities; (4) difficulties in the implementation of online classes, in particular with regard to the implementation of necessary adjustments; and (5) putting extra burdening on the staff.

## 7.3 Role of special guardians in family law proceedings

In 2020, the Office of the Ombudsman for Children prepared survey questionnaires for special guardians, social welfare centres and municipal court judges in order to analyse in more detail the perception of the role of special guardians in the procedures of family law protection of children from the perspective of experts who take part in such proceedings. The objective of the survey entitled *the Role of special guardians in family law proceedings* was to gain a better and more detailed insight into the functioning of the overall children’s rights protection system, good practice examples and problems faced by special guardians and other experts in their work, as well as potential solutions for identified problems. The questionnaire was completed by 88 social welfare centres and their branches, 28 family judges and 15 special guardians employed at the Centre for Special Guardianship. The survey provided the Office with a series of interesting and useful proposals regarding the possibility to improve the system for the protection of children’s rights and interests, about which the Office will inform the Ministry of Labour, Pension System, Family and Social Policy. The Office believes that the development and empowerment of the Special Guardianship Centre will not yield the desired result without the parallel implementation, in the shortest possible time, of the reform of family law legislation, including clearly prescribing the roles of participants in family law proceedings, and the judicial system reform through the establishment of family courts.

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## INSPECTION VISITS TO CHILD CARE INSTITUTIONS AND OTHER FACILITIES

The Office’s regular annual activities also include visits to institutions and other facilities organising stay for children. Due to the COVID-19 pandemic being declared in the whole territory of Croatia and the imposed lockdown, that is, restricted visits to institutions or the closure of institutions to prevent the spread of COVID-19, the Office staff visited only 2 institutions in 2020: children’s home Ivana Brlić Mažuranić, Lovran, its Rijeka branch, as a social welfare institution, and Rijeka prison, as a penitentiary, in which the Office staff monitored the realisation of the rights of children of incarcerated parents.

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

Two of the special events organised by the Office in 2020 are particularly worth mentioning: the exhibition of artwork of students of the Osijek School of Applied Arts and Design, *Lean on Children's Rights*, organised in *the Little House of Children's Rights*, and the conference *Current Issues in Child Protection during the COVID-19 Pandemic*, held via Zoom and followed by over 300 participants. The Office printed five publications intended for children and adults. Especially important is the brochure *Protection of the Rights and Interests of Children in Educational Institutions – Recommendations, Proposals and Opinions of the Ombudsperson for Children*. The staff members of the Office published 10 articles on children's rights in different magazines and proceedings and gave 24 lectures at conferences in Croatia. The Office cooperated with numerous institutions and organisations, among other things in the implementation of various projects in the area of human rights, as project leaders, partners and consultants.

## MEETINGS, INTERVIEWS AND COOPERATION WITH CHILDREN

A very important segment of the work of the Ombudsman for Children includes meetings and conversations with children in *the Little House of Children's Rights* at the Zagreb office and in Osijek, Rijeka and Split offices or in schools, kindergartens, children's and student's homes and other institutions accommodating children. After three in-person meetings with children at the beginning of the year, the Office staff mostly communicated with children online. In addition to online meetings with the Network of Young Advisors, the Office held nine Zoom meetings with children from primary and secondary schools and children in alternative care, as well as five online meetings organised by others. Children proved to engage in such communication easily and willingly, finding the possibility to talk to the Ombudsperson interesting. The Ombudsperson addressed them in order to learn about their way of life in those turbulent times, inviting them to share their thoughts with her and make suggestions on how to improve the realisation of children's rights.

## INTERNATIONAL ACTIVITY

The international cooperation comprises the activities of the Ombudsman for Children carried out in communication or in cooperation with international organisations, organisational networks, institutions and bodies or independent experts as well as lectures or other forms of participation in international conferences. Due to the current epidemiological situation most of these activities were in 2020 held in the form of videoconferences, virtual meetings and webinars via various applications. However, these activities were numerous and the exc-

change was especially dynamic with organisational networks of which the Ombudsman for Children is a member, such as ENOC, COPE, Eurochild and others, especially with regard to the impact of the pandemic on children's rights. On several occasions, the Office submitted its proposals in the course of the preparation of *the EU Strategy for the Rights of the Child*.

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## OTHER ACTIVITIES OF THE CENTRAL OFFICE AND REGIONAL OFFICES

The Office of the Ombudsman for Children carries out its tasks at four locations: in the central office in Zagreb and in regional offices in Split, Osijek and Rijeka. This ensures a 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 children's accommodation facilities or temporary residences and participating in conferences and public gatherings. Unfortunately, the COVID-19 pandemic made conditions for work more difficult, so that after March 2020 it was mostly carried out by phone or e-mail, while citizens only occasionally visited the offices, adhering to epidemiological measures. In this way, individuals reporting the violations of children's rights were able to obtain advice and information. Meetings and conferences, as well as meetings with children, were held online. 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.

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## 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 is headed by the Ombudsperson for Children. The Office comprises the Expert Services Department and the General Services Department, headed by two deputies. On 31 December 2020, the Office employed, in addition to 3 officials, 17 civil servants (23 were originally planned): 11 in the central office in Zagreb and 2 in regional offices in Split, Rijeka and Osijek respectively. In the course of 2020 no more civil servants were employed and 2 civil servants retired. The Office has four locations: in Zagreb, Split, Rijeka and Osijek. The business premises are owned by the Republic of Croatia and were made available for use by the Office. The premises of the central office in Zagreb were damaged in the earthquake that struck the City of Zagreb and the surroundings in March. The reconstruction is expected to start in 2021.

In 2020, the Office adopted *the Child Protection Policy*, which describes the conditions for a safe and motivating work with children in the context of activities implemented by and involving the Office in order to ensure the highest standards of professional behaviour and personal practice as well as the safety and protection of children.

The budget of the Office of the Ombudsman for Children for 2020 was HRK 6,252,971. Following the amendments to the Financial Plan and the reallocation of funds in December 2020, the Financial Plan of the

Ombudsman for Children at the end of 2020 was **HRK 5,502,697**. The budget execution was **HRK 5,497,424** or **99.90%**. The annual financial statements for 2020 were compiled within the prescribed legal deadline and submitted to the State Audit Office and the Financial Agency.



# CONCLUSION

The eighteenth Report on the Work of the Ombudsman for Children aims to give a review of the year 2020 from the perspective of children and their guardians, based on the analysis of events and data as well as of complaints and inquiries received by the Office of the Ombudsman for Children.

Children, as patient users of social services, were “on hold” for almost nine months in 2020. They were waiting for information about when their schools and kindergartens were going to open and under which conditions, they were waiting for the internet access and computers to arrive to their homes so that they could start with distance learning, they were waiting for information about the state graduation exam, they were waiting for check-ups and therapies, they were waiting for their parents to visit them in hospitals and children’s homes, they were waiting to return to their homes destroyed by the earthquake, they were waiting for help and protection from domestic violence, they were waiting to go out and play in parks and playgrounds, hang around with their friends, resume their favourite pastime activity ...

Childhood is a period of the most intensive development of a human being, so that putting the needs of children “on hold” has long-term consequences, which have already started to transpire. Increasing obesity, a lack of physical activity, anxiety and depression are only some of the emerging trends that require an urgent response.

Although the period in which this report was submitted ended, children and their families throughout Croatia have continued to live in challenging circumstances, which were imposed on 19 March 2020 with the introduction of the first COVID-19 containment measures. The strength of earthquakes in Banovina is declining, but they continue to bring discomfort and unease to the lives of children, parents, teachers, educators, health care personnel, grandmothers, grandfathers and all other people living in that area.

In 2020, most children who had internet access spent more time online than ever before. Children’s lives – their lessons, leisure and social activities – were completely transferred into the digital environment. Time will tell how ready children and adults taking care of them were for this change and how it influenced children’s wellbeing. The rights of children in the digital environment therefore come into focus as a key issue that needs to be tackled by competent authorities and deserves to be included in the new National Strategy for the Rights of the Child in the Republic of Croatia.

The transfer of school to the internet and television required considerable adjustments in the work of teachers, many of whom were not provided with sufficient support in this process by the education system.

The Ombudsman for Children considers the level of protection of children in high-conflict divorces and those affected by the dissolution of the non-marital partnership to be unsatisfactory. Investments in the child protection system must be made on an ongoing basis and assigned the highest priority, as this is the only way to create conditions for a high-quality response by competent institutions, an important segment of which are **special family courts**. Their establishment is announced for 2021, a fact welcomed by the Office of the Ombudsman for Children.

It is necessary to continue to stimulate and promote **high-quality foster care**, because of a high demand for children’s placements with foster families, as well as to standardise the education of foster parents and provide support to foster families, children and their parents.

Although some progress has been made, children are still not protected from all forms of **violence and neglect**. All systems need to take more decisive measures to improve regulations and implement the measures and activities planned. Improvements should also be made to prevention and interdepartmental cooperation as

some tragic incidents show that the cooperation between systems is inadequate and that responsibility tends to be transferred from one system to another.

It is a worrying fact that every fifth child lives at risk of poverty. In addition, the problems of children living **in poverty** have been exacerbated by the pandemics and earthquakes. It is crucial to timely invest efforts, knowledge and finances to mitigate the consequences, which should be done by increasing social benefits, stepping up procedures for the exercise of social rights, breaking the circle of family poverty, investing in the education of poor children, providing free meals, ensuring the accessibility of experts and improve the accessibility of adequate housing.

The Ombudsperson for Children calls upon competent authorities to develop an efficient system to protect children from being exploited for begging. It is unacceptable to witness the generations of children getting involved with begging chains, without any progress being made in addressing their rights.

The realisation of children's rights in **judicial proceedings** is still not at the required level. Judicial proceedings last far too long, children do not receive the required information in a way they understand and are often left without adequate help and support in the course of proceedings. The coordination and cooperation between systems, prescribed by protocols, is formal or realised only in some communities thanks to the enthusiasm and efforts of some employees of the system.

**The protection of children against sexual offenders** is still not satisfactory. There is no comprehensive legal framework for the protection of children. An inadequate application of regulations, overly mild sanctions, the non-imposition of security measures and an adequate system for the supervision of offenders continue to jeopardise children's rights. It is therefore necessary to adopt a special regulation on the protection of children against abuse and exploitation and to introduce **a licensing system for persons working with children** in systems that organise activities for children.

There is still no comprehensive protection provided to **children/minors in conflict with law**. The rights of minors are most often violated during the deprivation of liberty and the execution of institutional correctional measures in the social welfare system and the judiciary. The case of minors in the prison system who are hospitalised together with adults can be regarded as discrimination.

Children with **behavioural problems** are an extremely vulnerable group, which is at risk of frequent violations of rights in all systems: in the educational system, social welfare system and the judiciary as well as when subjected to the actions of the police and during the execution of some correctional measures. The pandemic has made the exercise of their rights even more difficult. While the systems are aware of the difficulties, implemented measures and activities have not yet produced significant positive outcomes for this group of children.

The execution of rights and interests of **children whose parents are deprived of freedom** has been considerably improved in the last few years. The Office of the Ombudsman for Children successfully collaborates with the prison system, which has accepted most of the Ombudsman's proposals and recommendations, and with some associations that have considerably contributed to the protection of this group of children.

Some improvements have been observed in the protection of rights of **migrant children, children seeking international protection and unaccompanied children**. However, the system of care for this group of children still appears to be fragmented and incoherent. There are still problems related to illegal pushbacks, the detention of children, the quality of guardianship for unaccompanied children and foster care, the establishment of an institution for specialised care and inclusion in the education process.

The consequences of the COVID-19 pandemic have been especially hard felt in the lives of children of the Roma **national minority**. Efforts should be stepped up, both at the government and local levels, to build on the experience gained in the first two waves of *the coronavirus crisis* and create measures and programmes to efficiently respond to the needs of Roma children in these challenging times.

**The children's right to participation and the participation principle** are most often not understood by adults, who tend to pay lip service to these issues. Experts working with children should be provided with ongoing education on the realisation of this right. The Network of Young Advisors (NYA) has held online meetings, remaining active, creative and motivated for work and discussions. This proves that dialogue with children and young people should not be interrupted, even in *the coronavirus crisis*, and that issues that are important for

them should continue to be addressed. Children are capable of contributing to better solutions, but this is not going to happen spontaneously: they need to be seen, heard and involved.

There is still a shortage of comprehensive, high-quality and accessible early intervention services for **children with behavioural difficulties**. It is expected that the situation should be improved by a new early childhood intervention policy. The primary and secondary education systems require additional investments in the professional training of education workers, aimed at improving the quality of adequate forms of education for students with disabilities.

A lack of understanding of the concept of human rights and **discrimination prohibition** on the part of public authorities, media representatives and other legal and natural persons results in putting children in an unfavourable and discriminatory position, gender stereotyping and prejudices as well as hostile attitudes towards minority groups and communities. It is therefore necessary to provide education about these issues and raise awareness of them.

Despite the exceptional efforts of health care workers, the coronavirus pandemic and earthquakes that caused damage to some health care institutions have taken a toll on the realisation of **children's health care rights**, in terms of availability, conditions for the provision of such services and uncertainty arising from the cancellation of scheduled appointments. Epidemiological measures imposed to prevent the spread of the contagion made some parents distrustful and anxious, contributing to an increased feeling of concern. This could have been avoided to some extent if the purpose of some measures and their benefit for children had been better communicated and more clearly explained.

The Ombudsman for Children requires that interdepartmental working groups should be established as soon as possible and that **regulations** should be adopted on playrooms, playgrounds and other areas for children's play with respect to spatial, technical and personnel conditions and on the protection of children participating in artistic, audio-visual and promotional activities.

*The coronavirus crisis* has reflected on children's activities. The Civil Protection Headquarters adopted a number of decisions prohibiting, among other things, children's training sessions and sports activities, as well as the use of the sports infrastructure. The recommendations of the Ombudsman for Children were aimed at enabling the inclusion of children in **sports activities** in line with the current epidemiological situation. Assessments and data on the large number of physically inactive children had been a cause for worry even before the pandemic broke out. If epidemiological measures continue to be imposed, the number of physically inactive children is expected to grow.

Emergency situations cannot be considered as an excuse for postponing the execution of children's rights and the fulfilment of their needs. On the contrary, they should provide an even stronger incentive for the whole society to seek solutions focusing on children's wellbeing. These solutions require cooperation and a transdisciplinary approach, which should be taken into account in the adoption of decisions and public policies. Let us start acting towards this end as soon as possible, because children's developmental needs and problems can no longer be put "on hold".

