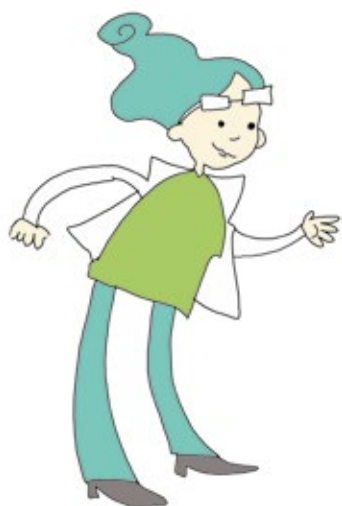


Report on the Work of the Ombudsman for Children for 2022

SUMMARY

Zagreb, March 2023



The drawing on the cover is a motif from the calendar of the Ombudsman for Children for 2023, entitled *The Convention on the Rights of the Child and 20 Years of the Ombudsman for Children in Croatia*. The calendar was illustrated by Zrinka Ostović. The calendar features an illustrated story about the UN Convention on the Rights of the Child and a story about the activities of the Office of the Ombudsman for Children on the protection and promotion of children's rights in Croatia in the last two decades.

The calendar is available at www.dijete.hr.

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1 INTRODUCTION

The twentieth Report on the Work of the Ombudsman for Children reviews the condition of children's rights in Croatia through the activities and work of the Office of the Ombudsman for Children on the monitoring, protection and promotion of the rights of the child in 2022. The Report is submitted to the Croatian Parliament pursuant to the *Ombudsman for Children Act*.

Although somewhat changed, the life we had known before the pandemic returned in 2022. Children returned to kindergartens and schools, resumed having birthday parties, hanging out together and going on school trips. They also renewed contacts with their extended families, welcomed by the warm embraces of their grandmothers and grandfathers.

Due to the war in Ukraine almost 8 million people, mostly women and children, fled their homes searching for safety, some of them finding their temporary refuge in Croatia.

The year 2022 was also a year in which we faced the consequences of the prolonged pandemic and earthquakes. Mental health difficulties, an increase in violence against children, including peer violence, and the deterioration of children's study habits and motivation are just a few of these consequences. Although recent research suggests that personal effects of the coronavirus crisis have been subsiding, the hiatus in children's carefree growing up and change in the organisation of school lessons resulting in "knowledge gaps" have left their mark on many of them. Special efforts should therefore be made to provide various forms of help and support to children, especially in the area of children's mental health.

Inflation, i.e., the price growth that started in 2022 and continued in 2023, also affects children, primarily those from families at risk of poverty, who should be provided with adequate social protection.

The year 2022 also saw the adoption of the *National Plan For Children's Rights* for a four-year period, which is to be implemented in the years to come.

In addition, last year was important because of the talks between the representatives of the Government of the Republic of Croatia and the UN Committee on the Rights of the Child, which in June issued new recommendations for the improvement of children's rights in Croatia. The 2022 Report therefore contains many references to the recommendations of the UN Committee on the Rights of the Child, aimed at enhancing the visibility of the recommendations among the general public and encouraging competent institutions to take required action for them to be implemented within the shortest time possible.

In 2022, the Office of the Ombudsman for Children acted on 3,799 cases, with 1,932 of them related to new complaints, inquiries and requests concerning individual violations of children's rights. The Office also processed 637 cases that were transferred from previous years, primarily because they have to be monitored over several years due to their specific and complex subject matter. The majority of the complaints concerned the area of education and the exercise of parental responsibility. The Office also acted upon 1,230 cases referring to general initiatives and recommendations, cooperation with national and international institutions, meetings, projects, inspection visits to institutions and other activities. In addition, the Office staff provided information and advice in more than 1,439 telephone and in-person conversations.

In 2022, the Office participated in the procedures of enactment or amendment of 37 regulations, 5 of which were strategic documents, and proposed 179 specific regulatory changes aimed at improving child protection. Institutions, bodies and legal persons were issued with 68 general recommendations, warnings and statements with the purpose of improving the protection of rights of all children or specific child groups, mostly in the area of education, vulnerable child groups' protection, health care, protection from violence, safety protection, etc.

The Report this year again contains data on the state of children's rights in Croatia. It shows advances, but also the key issues in the exercise of children's rights, such as child poverty, child violence, discrimination, the realisation of the rights of children with disabilities, insufficient support for children's mental health and inadequate protection of children without appropriate parental care.

The Office of the Ombudsman for Children invests great efforts into improving the implementation of child well-being laws and policies in force and ensuring the systematic participation of children in taking decisions on all matters affecting them. Special thanks therefore goes to children and young people from the Network of Young Advisors to the Ombudsman for Children and the network of the 16+ Youth Forum for their cooperation and hard work.

In 2022 the Office of the Ombudsman for Children contributed to making an important step forward towards a better protection of children from sexual exploitation and abuse and to the raising of awareness of specific issues, including the life of children on islands, the prevention of peer violence, child poverty and the rights of children in sports.

The dedicated staff of the Office of the Ombudsman for Children directly supported many children and their families in the protection of their rights through more than 1,400 telephone or in-person conversations.

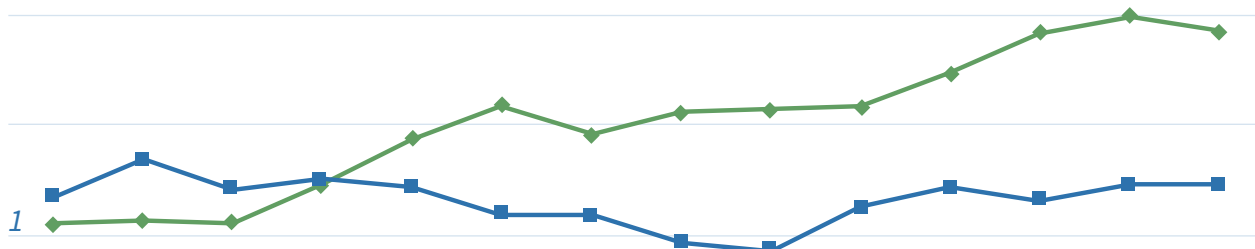
The proximity and presence of the Ombudsman for Children in four large Croatian cities is an important resource of the institution of the Ombudsman for Children in the protection of children's rights. Last year marked the 15th anniversary of the regional offices of the Ombudsman for Children in Rijeka, Split and Osijek, which monitor the rights of children in local communities and take steps towards their improvement.

I hope that the twentieth Report on the Work of the Ombudsman for Children will bring about positive changes in the child protection system, with a special emphasis on the protection of vulnerable groups of children, whose lives are under the strong influence of the actions and degree of efficiency of the government.

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 2009 to 2022



	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
DP	1050	1059	1054	1228	1436	1595	1456	1558	1573	1588	1741	1923	2004	1932
DPR	1167	1350	1205	1253	1223	1090	1092	956	929	1125	1215	1158	1226	1230

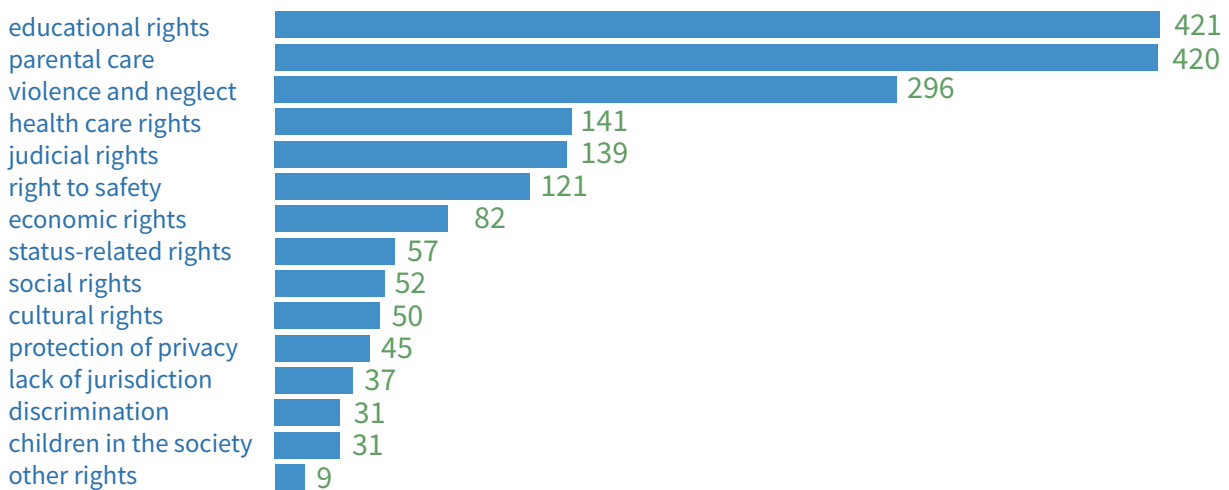
Individual violations of children’s rights in the period from 2009 to 2022

INDIVIDUAL VIOLATIONS OF CHILDREN’S RIGHTS	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Personal rights	625	687	636	753	701	742	702	711	726	690	737	772	825	826
Rights of children as members of society	13	11	6	11	11	12	12	29	29	38	32	28	40	31
Educational rights	187	153	159	161	262	273	239	296	310	318	391	492	478	421
Health care rights	35	21	25	28	107	257	184	161	155	173	137	162	172	141
Social rights	48	29	43	42	55	60	42	39	41	45	46	62	48	52
Economic rights	55	72	79	93	90	77	77	87	89	68	74	72	77	82
Cultural rights	11	10	8	19	26	22	37	23	32	39	34	36	30	50
Rights in judicial proceedings	33	38	55	61	81	62	67	96	97	72	81	115	141	139
Children’s safety and protection	12	12	15	13	25	26	36	51	31	81	130	116	121	121
Discrimination	3	3	6	16	25	24	20	18	20	38	42	35	49	31
Lack of jurisdiction	22	19	16	26	42	38	39	41	42	21	29	32	20	37
Other	6	4	6	5	11	2	1	6	1	5	8	1	3	1
TOTAL	1050	1059	1054	1228	1436	1595	1456	1558	1573	1588	1741	1923	2004	1932

2 MONITORING INDIVIDUAL VIOLATIONS OF CHILDREN'S RIGHTS

In 2022, the Office of the Ombudsman for Children received 1,932 new complaints, inquiries and requests related to the individual violations of children's rights. In addition to these complaints, the Office also processed 637 cases that were transferred from previous years, primarily because they have to be monitored over several years due to their specific and complex subject matter.

Complaints of individual violations of children's rights in 2022, broken down by type of right



Broken down by the children's sex, the majority of violations were accounted for by the violations of boys' rights (1,162), while slightly fewer than one half of the complaints did not mention the sex of the child. With the majority of cases related to the area of education, the violations of the rights of child groups most often referred to classes of children (in some cases, all pupils in the educational institution), followed by children in kindergartens, sports clubs, social welfare institutions and correctional institutions, children living in settlements or neighbourhoods, social network users and other child groups, depending on the problems and potential threats to their rights. Child groups differ with respect to their age structure, size and the potential threat to and violation of their rights.

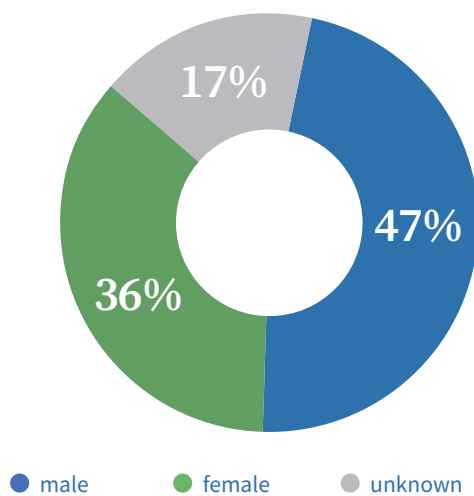
More than half of the complaints were filed by children's parents (1,048), 688 by mothers, 292 by fathers and 68 by both parents. The second largest number of complaints was filed by institutions. These were mostly educational institutions (142), schools and kindergartens, requiring advice or recommendation for action or reporting the violations of children's rights upon observing child neglect or when suspecting domestic violence. Schools report the cases of sexual violence against children, being obliged to do so pursuant to the *Protocol on the Procedure in Case of Sexual Violence*. A large number of complaints was lodged by ministries, agencies and inspectorates, primarily by the State Inspectorate (39), reporting on parents' refusal of their children's mandatory vaccination and children's economic exploitation, while advice, help and support were also sought by social welfare centres, children's homes, associations and local community representatives.

Children complained in person (18) about the inappropriate conduct of teachers, the behaviour of foster parents or educators or about harsh discipline in the institutions in which they were accommodated. Complaints filed by children whose parents were engaged in a parental dispute concerned the disregard of their opinion on spending time with the parent with whom they did not reside. Some children sought help with resolving their parents' problems that affected family relationships, such as the execution of their pension rights, the regulation of residence, the resolution of property relationships within the

family or neighbourly disagreements and conflicts. Those children were commended for contacting the Office of the Ombudsman for Children and other institutions and provided information on the institutions competent for resolving their parents' problems.

2.1 Personal rights

Complaints of individual violations of children's rights in 2022, broken down by the children's sex



One half of 826 complaints concerning the violations of children's personal rights were about the right to live with parents and enjoy parental care. They were for the most part filed by parents who contacted various institutions (including the Office of the Ombudsman for Children) following the dissolution of their family units, seeking help with the resolution of parental conflicts and personal relationships with their children. More than one quarter of the complaints regarded the violations of the right to protection from violence. Other complaints about the violations of children's personal rights in 2022 primarily concerned the protection of children from neglect, children's status-related-rights and privacy, with some of them involving adoption, foster care and guardianship. In addition, 215 cases transferred from previous years were monitored, mostly involving the right to live with parents and enjoy parental care (95) as well as violence and neglect (95).

Right to life – The complaints about the violations of the child's right to life mostly concerned serious crimes against children (murder, attempted murder, infanticide), suicide, self-injury and self-harm as well as child casualties due to other harmful circumstances.

As shown by the Ministry of the Interior data, 7 children died due to crimes committed against them, 9 children committed suicide and 77 attempted suicide. There were 12 child deaths in traffic accidents.

Unfortunately, in 2022 again children died in various circumstances. Some children surrendered to illness, some perished in traffic accidents, some in accidents, some died from violence, while some children took their own lives. Child deaths and injuries are covered in the various areas of the Report and described in the chapters *Right to protection from violence and neglect* and *Safety, accidents and hazardous environment*.

As shown by data presented by Brave Phone for Children, the largest number of calls children made about mental health issues in 2022 was related to suicidality (46%), self-injury (30%), depressiveness (26%), anxiety (16%), loneliness (5%), identity and the purpose of life (4%), panic attacks (3%), ADHD (2%) and self-concept (2%).

The importance of such a phone line for children that can provide them with instant psychological support in a crisis situation is unquestionable. However, the information on child suicides and attempted suicides suggests that other child support systems have failed in a large number of cases. While the main reasons for child suicides most often remain unknown, the key reasons for the attempted suicide cases that the Office monitored were exposure to violence (most often peer violence), the inappropriate conduct of the teacher towards the child, the child's reaction to removal from the family and placement in an institution as well as other stress events in the child's life. It is of utmost importance to eliminate and prevent the causes of suicide attempts, but also that children, when they are extremely agitated, have

suicidal thoughts or have attempted suicide, be provided with adequate expert assistance and included in therapy sessions and monitoring as long as required. This calls for the engagement of mental health professionals (psychologists, child and adolescent psychiatrists), not only in large cities, but outside them, too, because of an obvious lack of resources in smaller communities and a greater stigma placed on children and their families. The protection of mental health is dealt with in more detail in the chapter *Health care rights*.

2.1.1 Status related rights

In 2022, the Office of the Ombudsman for Children received 57 complaints about children's status-related rights, of which 44 involved the status-related rights of children of foreign nationals. The bulk of these complaints referred to the regulation of the status of children of foreigners living in Croatia (4) and of child migrants found in the territory of the Republic of Croatia. Most of them were filed by NGOs, which notified the Office of the children of foreign nationals illegally entering the territory of the Republic of Croatia in order to ensure the monitoring of police treatment and the children's access to international protection. The protection and the exercise of the right of children of foreign nationals to international protection are presented in more detail in the chapter *Children on the move*.

In addition to complaints concerning the rights of child migrants, also numerous were complaints and inquiries related to the children's right to know their biological origin (often coupled with the determination of paternity), their nationality, residence status and domicile.

Most of the complaints filed by the parents of children-Croatian nationals concerned the realisation of the children's status-related rights in the cases of high-conflict parental relationships and the children's representation in the proceedings before competent authorities, most often carried out when they execute their rights to travel documents and domicile. Sometimes a parent refuses to give consent to the registration of domicile at the address where the child actually lives or objects to registering it at a new address, although the child's moving does not affect the parent's meetings with the child. Obstructing the registration of domicile affects the realisation of other children's rights, such as kindergarten or school enrolment (for more details see the chapter the *Right to live with parents and enjoy parental care*).

Status-related rights of the children of foreign nationals – Foreign nationals working and residing in the Republic of Croatia filed complaints about difficulties with the regulation of their children's residence status. The regulation in force that fails to enable children to automatically obtain the residence status after their parents have done so is still problematic. For example, the right to temporary residence of a child born in the Republic of Croatia whose parent is a third country national with a long-term or permanent residence is recognised only for a one year period. There are also formal obstacles to the regulation of the residence status of children whose parents are third-country nationals. Specifically, a child whose parent has a valid residence and work permit can be granted temporary residence for the purpose of family reunification only if the parent has been granted temporary residence for a continuous period of at least one year. Although the provisions of the *Aliens Act* facilitate family reunification for third-country nationals on temporary stay and are in compliance with international documents, the Office holds that the obligations assumed under the *Convention on the Rights of the Child* related to the child's right to family reunification have not been fully met.

2.1.2 Right to privacy

In 2022, the Office of the Ombudsman for Children acted on 45 individual cases related to the child's right to privacy and on 37 complaints of violations of other rights that also referred to child privacy violations (violations in the area of children's personal, educational, judicial, health care or participation rights).

The Office also acted on 13 cases associated with general initiatives in the area of child privacy protection and inquiries from the media, general public and institutions concerning children's privacy.

The majority of the complaints concerned the violations of children's privacy in the media, including all social media, especially social networks, followed by the violations of their privacy in institutions: schools, kindergartens and health care institutions, sports clubs, associations, other places and in the family.

In response to a complaint of the violation of children's rights by NGOs that post the photos of underage children on their public social network profiles without the knowledge and consent of the children's parents, the Office issued the *Recommendation on the protection of children's privacy and personal data by NGOs financed from public funds* to the Office for Cooperation with NGOs of the Government of the Republic of Croatia. Pursuant to the Recommendation, NGOs that are granted financial aid for the implementation of their programmes and projects for public good, that is, NGOs financed from public funds, should be warned of the necessity to act in compliance with the regulations in force when collecting and processing children's personal data.

At the end of 2022, the Office was notified by the Ministry of Health that its recommendation from 2019 on designing the *Guidelines for the protection of dignity and privacy of child patients*, aimed at the health care personnel and the managers of health care institutions, had finally been realised. The Guidelines, providing instructions on the method of informing the public of the cases of children undergoing treatment for which there is public interest, were submitted to all health care institutions in Croatia.

The complaints point to the need to conduct public campaigns and systematically educate the public, including parents and children themselves, on the protection of children's privacy on the internet and risks involved in the excessive posting of children's photos and other data on social networks as well as to the need to respect children's opinion on the posting of such content, because children should not be exposed in the media or on social networks against their will. Some areas require additional regulation of children's privacy and well-being by the codes of conduct, guidelines or protocols, with a special focus on developing rules and policies on child privacy protection for all traditional media and the business sector in the digital environment.

2.1.3 Right to live with parents and enjoy parental care

The year 2022 saw a large number of complaints filed about the violations of children's rights in the area of family relations (420). These complaints broadly concerned the child's right to live in a family and enjoy the parental care of both parents (340), the child's right to support (24) and to ensuring adequate alternative care of the child (94).

The Office was also contacted by parents seeking information about institutional actions immediately before or during divorce or the dissolution of a parental union and advice on the protection of their children in such situations. However, it was more often the case that one parent complained about another parent's behaviour towards the child or about the work of institutions and experts engaged with a particular family. The Office staff regularly advised the complainants of the importance of parental cooperation and agreement and instructed them to accept expert assistance and support, thus encouraging them towards the amicable resolution of family and parental conflicts. The Office monitored a number of high-conflict divorce and family dissolution cases.

The constantly large number of complaints related to the area of family relations continued to provide information on the deficiencies and inefficiency of the system for the protection of children's rights and interests. The delayed or uncoordinated response of institutions to the violations of children's rights and

interests makes any other activity and intervention inefficient, especially if these activities are implemented partially. The interinstitutional cooperation on the prevention and resolution of individual, less complex cases is inadequately defined, so that it depends, as a rule, on the activities, personal relations and initiative of individual professionals. As social welfare centres and other bodies are understaffed, they mainly focus on the most critical cases.

The specialisation and concentration of courts dealing with family law related cases can contribute to a better protection of children's rights and interest.

Restriction of parental responsibility – In most cases the Office acted on the basis of complaints lodged by parents who were dissatisfied with the institutions in which their children had been placed, foster family or relative entrusted with the everyday care of their children. They often stated that their children had been “abducted” and that they did not understand the reason for their separation. The reports of social welfare centres show that, notwithstanding the implementation of measures for the protection of children's rights and well-being, based on the list of children's developmental risks it was in all the cases assessed that the children's psychophysical and social development was jeopardised and that they had to be separated from the biological family.

It is a cause of concern that social welfare centres, when they observe a high degree of risk for children growing up in a family, cannot place children in care, or do not propose that they be separated, because of the lack of accommodation facilities, but instead monitor the situation in the family implementing measures for the protection of children's personal rights and well-being. The Office also acted on its own initiative following staff visits to institutions for children without appropriate parental care with regard to children up to three years of age in whose interest is to be provided with family care, rather than to be placed in an institution.

Most complaints related to sending children in homes for children with behavioural problems were filed by social welfare centres, which complained about their inability to place children in homes. The Office was also contacted by social welfare centres, which required assistance with transferring children to other institutions because of their serious behavioural problems. The reduced number of accommodation facilities, unaccompanied by a systematic development of generally accessible non-institutionalised interventions, failed to contribute to the resolution of the numerous problems of children with behavioural problems and their families.

The bulk of complaints concerning the termination of parental responsibility was lodged by parents dissatisfied by court decisions and by institutions that emphasised the issue of maintaining simultaneous contact with the parent stripped of parental responsibility and the most eligible potential foster parent, which is confusing for children.

Children without appropriate parental care – According to data from the *Research on children and young people accommodated, placed and residing in homes for children without appropriate parental care and community service centres*, on 31 December 2002 there were 818 children in institutions, 568 of whom were accommodated and 250 residing, which is 12 children more than in 2021. This increase, judging by the many requests of social welfare centres for children to be admitted to institutions, would have been higher if institutional capacities had not been full. A special problem for social welfare centres is the accommodation of children who have been separated from their families pursuant to an emergency measure due to risks to their life, health or well-being and have to be accommodated immediately. As adequate accommodation is not available, these children are placed with foster families where there are sometimes seven and more children.

Finding accommodation in foster families is equally difficult as finding institutional placements. Despite some advances made in the system and numerous campaigns in local communities, interest in

foster care activities is still low and difficulties are identical to those observed in previous years.

After having been contacted by foster family associations, social welfare centres and social welfare institutions, whose employees stated that they could not protect the rights and well-being of children being unable to accommodate children who had to be separated from their families, the Office organised a series of meetings establishing the need for accommodation facilities to be provided for children without appropriate parental care. Unfortunately, the frequently asked question **“Does the system protect children who cannot live in their own families?”** cannot be answered positively.

Adoption – In 2022, institutions for children without appropriate parental care (20) placed 39 children for adoption, while on 31 December 2022 institutions accommodated 140 children who fulfilled adoption conditions. According to the information of the Ministry of Labour, Pension System, Family and Social Policy, this year saw 190 adoptions, which is a significant increase compared with previous years.

At the end of this reporting period, the Office of the Ombudsman for Children dealt with the issue of intercountry adoption due to the detention of a group of Croatian citizens in Zambia in connection with the intercountry adoption of children from Kongo, a country which is not a party to the *Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention)*, which makes the situation very complicated. Competent institutions were issued recommendations to amend regulations and procedures related to future intercountry adoptions and already adopted children, who are, due to social network posts and public comments, exposed to negative reactions and may become traumatised.

Child support – In 2022, there were 24 complaints about the protection of the support rights of 43 children. The long duration and inefficiency of proceedings were the most common causes of the complaints related to this area, with many of them suggesting that the system was incapable of protecting children from their parents' irresponsible actions. There is still the need to protect children's interests in the case of a suspicion that the financial situation and living standards of the child-support debtor are in contrast with the lack of funds in the accounts. The situation is difficult for children whose parents, child-support debtors, live in a country that is not a signatory to international treaties that facilitate the cross-border collection of child support and for children whose domicile and residence abroad are unknown. Government aid in the form of temporary support is both time-limited and insufficient, amounting to 50% of the minimum statutory child support, which requires amendments to the *Interim Maintenance Act*. It is necessary to systematically address difficulties encountered by children who are permanently or for a long term deprived of their parents' support contributions due to their specific life situations, amend regulations in order to sanction any negligence on the part of the non-paying parent, irrespective of whether there is an enforceable order or not, and allocate part of the income from prisoners' work for child maintenance.

2.1.4 Right to protection from violence and neglect

In 2022, the Office received 296 complaints of child violence and child neglect, 27 more than in 2021, involving 447 children and 12 child groups. Out of this number, 224 complaints were related to child violence and 72 to child neglect. These complaints include 16 complaints about sexual violence and there were another 76 complaints about children's sexual exploitation and abuse, reported in more detail in the chapter *Protection from sexual exploitation and abuse*.

Domestic violence and child neglect – The Office received 70 complaints about the violations of the children's right to protection from domestic violence, the bulk of which referred to psychological violence. These complaints were mostly lodged by the parents, mothers and fathers experiencing communication problems. In such families, children are exposed to their parents' mutual hostility and frequent argu-

ments, with parents using them as a weapon to hurt one another. The parents are unaware of their own inappropriate and manipulative behaviour that is harmful to the child and it happens very often that they meet the child's basic life needs, while neglecting emotional ones. Parental conflicts often involve other family members, which makes the family situation even more difficult. The Office took action in connection with two tragic events, when parental violence resulted in the children's death.

The Ministry of the Interior statistical data point to an increase in child domestic violence, which can be attributed to the coronavirus pandemic, crisis induced by the earthquakes and economic situation in the country. The Office approves of and supports the announced tightening of penalties for domestic violence and the additional professional training of judges, state attorneys and others who apply relevant regulations.

There were 72 complaints about child neglect. Most of the complaints concerned parental hostility that seriously jeopardised the psychosocial well-being of the child. This is due to the fact that parents put their needs first, do not change their behaviour and completely neglect the child's needs, thus exposing the child to severe emotional neglect, while transferring the responsibility to another parent and institutions. Kindergartens and schools filed complaints about neglect of health care and education based on data on irregular school attendance, failure to perform school tasks and poor hygiene. As regards children found breaking the night-time curfew, the Ministry of the Interior recorded an increase of 19,7% in actions taken compared with 2021. In 2022, actions were taken with regard to 869 children, with social welfare centres conducting counselling with children and families afterwards.

Violence in educational institutions – The Office received 101 complaints concerning violence in educational institutions, 7 of which concerned the instances of violence in kindergartens (3 reports of staff violence and 4 reports of violence among children). There were 94 complaints about violence in primary and secondary schools, 85 of which were filed about peer violence. There were 6 complaints about teachers' violence, 1 complaint referred to the violence of other school staff and 2 to parents' violence. In addition to complaints about verbal and physical peer violence there is a growing number of complaints about sexual harassment and inappropriate sexual behaviour, mostly perpetuated by boys towards girls. This kind of behaviour confirms the need for mandatory health education to be introduced to school curricula, an issue constantly raised by the Ombudsman for Children.

Schools' responses to peer violence are uneven. Expert service departments in kindergartens and schools are understaffed. The Office of the Ombudsman for Children has emphasised the importance of prevention in the fight against violence in schools as well as the need for awareness raising and education. Not all preventive programmes are scientifically based, nor are their outcomes for children established, so that their quality has to be standardised.

Media often violate children's rights and interests when reporting on peer violence, indirectly revealing children's identity or presenting the event of violence in such a way that it provokes negative reactions of the public towards children. Staff violence against children in schools reveals loopholes in child protection regulations and practice as well as 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 received were related to violence in social welfare homes, sports clubs, public spaces and neighbourhoods as well as to violence committed by peers, institutional staff, sports club coaches, the parents of children in conflict, acquaintances and neighbours. Children are in these locations exposed to verbal, physical and sexual violence, often perpetuated through social networks. As regards violence in social welfare homes, it was observed that some institutions, and the system as a whole, showed a lack of determination to protect children from violence. The violent and inappropriate behaviour of coaches in sports clubs in most cases did not lead to establishing criminal offences or misdemeanours. As such communication is inappropriate for

working with children, the Office required the verification of whether coaches met the requirements for working with children prescribed by the *Act on Sports*.

The violence of adults, most often neighbours, against children, jeopardises their psychological and physical integrity, their rights and overall well-being even if when it does not result in bodily injuries. Despite the fact that there are legal grounds for sanctioning such a behaviour as violence and/or the violation of children's rights, it is most often penalised as an offence against public order.

Some of the complaints refer to the disturbing and dangerous behaviour of neighbours with impaired mental health or mental disorders, who are irregularly treated and insufficiently supervised. The interdepartmental cooperation is often inefficient, especially in the health care sector, as well as the exchange of information about the prevention of further risks to children and adults, while the systems shift responsibility for action between each other.

2.2 Rights of children as members of society

The Office received 31 complaints, 22 of which involved adults' assessments concerning the inappropriateness of some content, topics or messages, potentially bad influences on children or adults' using children to realise their goals. The remaining complaints concerned the right to participation of children capable of forming their own opinion in the various areas of their lives.

An ongoing problem is the lack of knowledge and understanding of the child's right to participation, coupled with adults' inadequate qualifications for working with children towards the realisation of this right. Despite certain advances in raising the awareness of the need to include children in discussions about matters concerning them, the meaningful participation of children is still not implemented in practice. The modern approach to the realisation of children's participation rights involves the systematic and meaningful inclusion of children in plans, policies, strategies and bodies that address topics important for their lives. It is especially important that children's participation does not remain only declarative and symbolic.

2.3 Education rights

In 2022, the Office received 421 complaints related to the violations of children's rights in the area of education. These complaints involved 315 children and 106 child groups (educational groups, classes or institutions). There were 70 fewer complaints related to the area of education compared to the previous year, which could have been anticipated as the number of complaints related to the violations of children's rights in connection with the coronavirus pandemic had decreased. It is impossible to specify the number of complaints for each level of the educational system because the complainants did not always state the level to which they were referring. There were 157 complaints of the individual violations of the rights of children with disabilities.

The majority of the complaints were filed by mothers (177), followed by institutions (56), while 1 complaint was made by a child.

As in previous years, most complaints (113) came from the City of Zagreb, the county of origin could not be identified for 64 complaints and 50 complaints originated from the Split-Dalmatia county. No complaints were received from the Bjelovar-Bilogora county.

The complaints of the individual violations of children's rights in the area of education were related to the accessibility of education; safety, spatial and organisational conditions; education personnel and curriculum programmes; the relationships of parents and staff members in educational institutions, the

adequate education of children with disabilities and the adequate education of gifted children.

2.4 Health care rights

The Office acted on 141 complaints, issued 7 recommendations, participated in 3 legislative procedures and visited 5 health care institutions. The complaints and notifications received referred to difficulties with the availability of health care services resulting from problems with registering children with the paediatrician, the long wait for health care services, the health care of children with disabilities and the health care of children-foreign nationals. The Office was contacted by parents who were dissatisfied with the decisions enacted by the Croatian Health Insurance Fund regarding mandatory health insurance rights. The complaints also concerned coronavirus containment measures and voiced the dissatisfaction of parents with the relationship of health care workers towards children. The Office staff responded to inquiries about the mandatory vaccination of children and the possibilities of voluntary vaccination against COVID-19.

In order to prevent children addictive behaviours, it is important to recognise risks leading to such behaviours in a timely manner. It is necessary to step up health care and media campaigns and implement scientifically based and evaluated preventive programmes in the educational system as well as to exert a stronger influence on both children and parents in order to contribute to the development and improvement of the emotional skills of children and youth, the adoption of healthy life habits and the prevention of health.

As concerns the exercise of the rights of children with chronic and other diseases, education workers should be provided with ongoing education about the needs of these children arising from their health condition.

The protection of children's mental health should be made more accessible and improved at all levels and ongoing efforts should be made to raise the level of education workers' mental health literacy. Children and adults should learn the rules of behaviour during natural disasters and crises.

2.5 Social and economic rights

There were 52 cases related to the violation of social rights and 82 cases concerned the violation of economic rights. The observations regarding these issues were discussed with societal stakeholders at the expert conference organised by the Office of the Ombudsman for Children.¹

2.5.1 Child poverty

Every fifth child in Croatia lives at risk of poverty and social exclusion. The beneficiaries of the guaranteed minimum benefit are considered to live in extreme poverty, with the situation being especially difficult for children supported by only one parent and for families with more children. The advances made this year, including the increase of the guaranteed minimum benefit and the introduction of free school meals, are welcome. However, the amounts of financial aid should be adjusted to the needs of children with families and children should be provided with non-monetary support aimed at preventing, identifying and resolving poverty-induced problems. The *Child Guarantee National Action Plan*, whose implementation is to be monitored and financed by the European Union, enables the consolidation of measures to invest in combating child poverty.

¹ For more details on the conference "How to Break the Vicious Circle of Poverty and Offer Children Equal Opportunities" visit: <https://dijete.hr/hr/za-veci-angazman-drzave-u-dokidanju-djecjeg-siromastva/>

2.5.2 Social rights

The bulk of 52 complaints related to social rights concerned child benefit (15), while 12 complaints were filed about maternity and parental benefits, 7 about the right to reduced working hours for care of children with severe disabilities, 6 about the status of parent-caregiver and 5 about other issues. A smaller number of the complaints involved personal disability allowance (2) and survivor's pension (2), with 1 complaint lodged, respectively, about the settlement of housing costs, the right to child care leave and social welfare rights in general. In e-counselling and in other ways, the Ombudsperson and associates made proposals for improving the execution of these children's rights.

2.5.3 Economic rights

The Office received 82 complaints about children's economic rights, the majority of which (44) concerned the right to an adequate standard of living. In addition, 19 complaints referred to the violations of children's property rights, 9 to illegal child labour or employment, 4 to inappropriate advertising, 3 to the violations of students' rights during work based learning classes (practical training), 1 to children's participation in cultural or artistic activities and 2 complaints were filed about other issues.

Right to an adequate standard of living – The complaints related to this area show that many parents find it very difficult to ensure an adequate standard of living for their children, especially those who, having neither any residential real property nor financial resources to rent a flat or take out a loan, try to execute the right to live in a municipal or government flat. Given the inadequate capacity of these flats and the fact that they are poorly maintained, they encounter many difficulties, which result in the violations of children's rights. A national strategy should be designed to ensure adequate housing for families with children at risk of poverty and government aid should be envisaged for local self-government units in securing social housing.

Economic exploitation and hazardous labour – The regulations on vocational education and training envisage no inspection authority that could impose a penalty to an employer for the breach of an agreement on work based learning or apprenticeship agreement or for unprofessional or inappropriate behaviour towards apprentice students. The rights and interests of students taking student service jobs are not protected. There is no regulation on students' work on Sundays, holidays and other statutory non-working days or on wage increases resulting from such work and no measures are prescribed for inspectors to take when they establish the instances of such work. There is also no regulation concerning the cases when employers fail to recognise the work done by students and reward them for it. There are no rules governing children's participation, paid or unpaid, in artistic, audio-visual and promotional activities. There is neither a comprehensive approach to the exploitation of children for begging nor an ongoing cooperation between competent authorities, and no long-term child protection measures are planned. These issues have been raised by the Ombudsman for Children for years.

Property rights – The complaints concerned the following issues: the division of matrimonial property and the impact of property use on joint children; the use of the child's scholarship funds; trespassing on the property the child acquired in ownership or co-ownership by gift or inheritance; inheriting debts; using funds from the child's account and the interpretation of the term "more valuable property"; the long duration of court proceedings conducted to obtain court authorisation for the use of the child's property; the protection of children's interests in various court proceedings over property disputes where children are parties or interested persons and dissatisfaction with the outcome of the court proceedings carried out to determine damage compensation to a child. A loose interpretation of the term "more valuable property" and the lack of protective mechanisms still pose a risk for the violation of children's property rights. A risk is also posed by the irresponsible actions of parents, which are expected to be addressed urgently by the system, The inconsistent actions of notaries public in inheritance proceedings do not contribute to legal security.

Inappropriate advertising – The complaints concerned television commercials and social network advertisements, the participation of children in advertisements and the impact on children of television and other advertisements for various products. The regulations in effect fail to protect children from the potentially negative impacts of advertising, especially from ads for alcoholic beverages, games of chance, e-cigarettes and food and beverages whose over-consumption is not recommended. It is required to raise awareness of the need to protect children from the negative influence of advertising, conduct campaigns on acquiring healthy life habits and combating obesity and all types of addiction, improve the protection of children during children’s programmes as well as all other programmes and events attended by children and young people (in particular sports events).

Child budget – The child budget should become a mechanism for monitoring and assessing the efficiency of the allocation of budgetary funds for the implementation of the *Convention on the Rights of the Child*, especially those earmarked for disadvantaged or vulnerable children. Additionally, the child budget is the very tool for the government to strengthen the measures for ensuring the allocation of funds during financial and economic crises and emergencies, such as natural disasters and epidemics.

2.6 Cultural rights and leisure time

The Office of the Ombudsman for Children received 50 complaints about the violations of cultural rights, with most of them (40) related to the protection of the rights of child athletes (40). The other 10 complaints were filed over the organisation of an exhibition featuring exhibits by a child, children’s play disturbing their neighbours, conditions in children’s playgrounds, the lack of care and quality leisure time activities during school holidays as well as over children’s participation in activities organised by associations and their safety during such participation.

The lack of facilities and adequate conditions for play and leisure time as well as the lack of regulations aimed at a more comprehensive and better protection of children against dangers and risks in the area of play and leisure time indicate that there are differences in play spaces’ availability, safety, quality and suitability for children.

There is still no regulation governing the conditions for the operation and surveillance of children’s playrooms, although the Office of the Ombudsman for Children has for years been recommending the adoption of such an act to competent authorities and alerting the Government to this issue. Furthermore, there is still no implementing act, which should have been enacted pursuant to the *Family Act*, regulating the manner of children’s participation in artistic, audio-visual, promotional, sports and similar activities, an issue also repeatedly raised by the Office.

2.7 Protection of rights in judicial proceedings

In 2022, the Office acted on 139 individual cases of the violations of children’s rights in judicial proceedings related to the conduct of police officers, social workers and special guardians as well as the actions of courts and the State Attorney Office. The majority of the complaints addressing the State Attorney’s Office were filed about the unsatisfactory performance in processing the perpetrator of a criminal offence, the long duration of the proceedings and slowness to confirm the indictment, the absence of an adequate protection of the child victim due to the State Attorney’s Office failing to impose appropriate precautionary measures and, which was especially disappointing for the child victim, the decision to cancel further processing taken by the State Attorney’s Office. The complaints addressing the work of police officers were filed about the inadequate protection of children who were threatened or bullied, untimely responses to police intervention requests, the inappropriate behaviour of police officers in the presence of children, the exceeding of police powers or the unnecessary bringing of children to the

police station. Dissatisfaction with the work of some employees of social welfare centres was mainly voiced by parents participating in family law proceedings, who complained about their bias, unprofessional behaviour and lack of action or response to the implementation of family law protection measures, primarily in the cases of children's separation from their families, which the parents, failing to see the real threat to children, considered unfounded and ill-advised. Most complaints were filed against the background of high-conflict parental relationships, with the parents being dissatisfied with the assessment of their parental competencies and disappointed with the work of social welfare services. Parents also complained about the actions and decisions of courts, mainly those taken in family law proceedings. It is an unfortunate fact that court proceedings, especially those in the area of criminal legislation, last too long, with the result that child victims of criminal offences have to wait very long for the outcome of the proceedings, which postpones their recovery. The inefficiency of enforcement proceedings and the mismatch between decisions taken in criminal, misdemeanour and family law proceedings also present problems. These problems call for specialised and specially trained judges to resolve the cases of child protection under family law and to establish procedural, technical and personnel conditions ensuring the procedural urgency of family law jurisdiction. The year 2022 saw the establishment of family divisions at municipal courts in county capitals, which should provide for an improved protection of children. The Office expects the specialisation of municipal courts to contribute to the desired harmonisation of practice and the elimination of difficulties encountered by parents and children due to imprecise and deficient decisions. Although proper family courts, advocated by the Office of the Ombudsman for Children, still have to be established, this initiative marks and advance in the awareness of the necessity to introduce changes to family law jurisdiction, the efficiency of which will be closely monitored by the Office.

Special guardianship is an important link in the protection of children in judicial proceedings, as special guardians have to represent children's interests in making decisions important for their lives (which parent the child is to live with, the termination of parental responsibility, contesting maternity or paternity, property proceedings, etc.). However, the Office of the Ombudsman for Children has for some time now been pointing out the numerous weaknesses of special guardianship, persisting despite efforts invested in its improvement in terms of technical conditions and personnel. Due to their objective work overload (over 365 cases and 850 hearings per guardian) and the dislocation of parties and courts, special guardians are unable to fulfil part of their tasks, so that their efficiency is still a matter of concern.

2.7.1 Protection of child victims and witnesses

As shown by the Ministry of the Interior data, 5,234 criminal offences against children were detected and reported in 2022, which is an increase of 5.8% from 2021. The reported criminal offences were committed against 5,329 children, of which 3,205 were below the age of 14, while 1,028 children were aged between 14 and 16 and 1,096 between 16 and 18.

The victims' problems with access to justice mostly arose from the slow processing of perpetrators, the inadequate treatment of children in judicial proceedings, the lack of information, inadequate support and protection provided to child victims and mild sentences for perpetrators. Although the rights of child victims are legally stipulated, these rights are often not executed at all or executed only partially.

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 therefore 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 initiative for the establishment of such a centre in Croatia, put forward by the office of the Ombudsman for Children, has been accepted, so that this child assistance and support model is expected to be established in Croatia, too.

In addition to providing assistance and support to child victims, it is also necessary to speed up court proceedings and improve their efficiency as well as to ensure the protection of children in court proceedings irrespective of their age. The appropriate representation of children's interests in criminal proceedings is also important and can be realised only with adequate legal aid, as specified by the EU *Guidelines on Child-Friendly Justice*. As this calls for the specialisation of lawyers, the Office advocates the enactment of a special regulation specifying the elements and criteria for appointing representatives as well as the type of education for these representatives mandatory for acquiring qualifications to represent a child.

2.7.1.1 Protection from sexual exploitation and abuse

As shown by the Ministry of the Interior data, 691 sexual offences against children were reported in 2022.

In 2022, the Ombudsman for Children received 76 notifications regarding the right of the child to protection from sexual exploitation and abuse. Most of them were submitted by parents, who sought advice on what course of action to take in the case of sexual violence and expressed their dissatisfaction with the outcome of the court proceedings or with the dismissal of the complaint by the State Attorney's Office. A cause of concern is a large number of reports of sexual violence in educational institutions, with complaints about sexual harassment of students by teachers being especially worrying. In most cases, schools delegate the "sanctioning" of perpetrators to judicial authorities, although such behaviour represents a breach of duty and should therefore be punished by a ban on performing pedagogical work. Unfortunately, it sometimes takes long for official criminal proceedings to begin, with the result that teachers continue to work with children after having been reported for sexual violence. Precautionary measures that would prevent education workers from working with children pending the decision on their guilt are rarely imposed and the State Attorney's Office often dismisses such criminal charges due to "the insignificance of the offence" without processing them. Under such conditions, abusers are free to continue working in educational institutions.

The Office therefore calls for the licensing of persons who work with children, not only in the educational system, but also in other systems that organise activities involving children. The licence is proof that a person working with children meets the prescribed conditions and has the required competences, so that it provides a degree of security. Also, sanctions for sexual harassment should imply the prohibition from working with children.

The judiciary often responds inadequately to the reports of sexual offences against children: judiciary proceedings take too long, perpetrators receive mild sentences and precautionary measures are not imposed, which discourages children from reporting sexual offences and encourages perpetrators to commit new offences.

According to data from the Directorate for the Prison System and Probation of the Ministry of Justice and Public Administration, prison sentences for child sexual offenders were in 46 cases replaced by community service in 2022.

Due to such mild sentences, data on convictions are kept in criminal records only for a short period of time, so that it does not take long for offenders to rehabilitate. Once they have been rehabilitated, their criminal records can no longer be verified and they are treated as non-convicted persons whose rights cannot be restricted. As a result, child sex offenders, i.e., persons who, as a rule, cannot control their sexual urge, are then free to get a job in kindergartens, schools and children's homes, to become foster parents or to adopt a child. The Office of the Ombudsman for Children retains the stance that data on convicted child sex offenders should be kept permanently in order to prevent them from coming into contact with children.

Persons having a criminal record are banned from performing jobs that involve contact with children only under some special regulations, e.g., those governing the educational system, social welfare sys-

tem, foster care, sports, volunteering, etc. Some other areas have no such protection at all, including child care, playrooms, sports, music and dance workshops, children's tutorials, children's camps, etc. The initiative of the Ombudsman for Children to adopt a special regulation on the protection of children against sexual harassment and abuse was accepted in full and the regulation is being prepared for enactment. This regulation is to set forth compulsory conviction record checks for persons coming into contact with children in all areas in which activities for children are organised and sanctions for those who fail to comply with this obligation.

A special cause for concern and a serious oversight is that sexual predators, once they complete their prison sentences, are not supervised by competent authorities. Unfortunately, precautionary measures, which are supposed to protect child victims or prevent the committing of other offences, are not imposed at all or rarely imposed.

The Ministry of the Interior data show that 116 new child sexual offenders were entered in the criminal records in 2022, while only one precautionary measure of prohibiting contact with children was imposed and no precautionary measures of protective supervision upon the completion of the prison sentence.

2.7.2 Protection of rights of children in conflict with law

The complaints referred to the conduct of police officers and security guards, actions taken in the cases of school peer violence classified as criminal offences, the decisions of judicial authorities on the detention on remand measure for minors, the long duration of judicial proceedings and the conditions for the execution of institutional correctional measures. Some parents sought information on the treatment of children and minors suspected of criminal offences and on the compensation of damage caused by a criminally non-responsive child. Parents complaining about police conduct stated that they were not informed that their minor children had been summoned for interview by the police and/or deprived of freedom and that they were not invited to attend the interview. Internal controls within the system in most cases did not establish any misconduct.

The complaints also showed that the conduct of security guards was still unregulated, that the area of child protection was insufficiently regulated and that security guards had to be provided with further training. The protection of children, the Ombudsman of Children emphasised, must neither be the responsibility of tradesmen and other entities using the services of security guard companies nor of these companies, because it is connected with children's rights and international standards.

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 of the Ombudsman for Children also addressed the issue of in-patient psychiatric treatment of minors deprived of freedom in the Prison Hospital in Zagreb. The Office's recommendations were followed in that the minors were moved to a special room to be treated separately from adults, but an area for minors of both sexes was not set up. The Ministry of Health was submitted several recommendations regarding the non-existence of a health care institution for the forced accommodation of minors who were declared mentally incompetent in the course of criminal proceedings pursuant to the *Act on the Protection of Persons with Mental Disorders*. Expectations are that such an institutions will be established this year.

The Office was made aware of substandard interdepartmental cooperation between the judiciary and the social welfare system when minors are referred to a social welfare home under the provisional measure in the course of judicial proceedings. The Office once again warned that it was necessary to introduce mandatory additional education and specialisation for all juvenile crime experts. 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.

2.8 Safety, accidents and hazardous environment

As concerns child safety protection, the Office received 121 complaints about the violations of children's rights, comprising 128 children and 31 child group. Most of the complaints concerned traffic risks for children and traffic accidents involving children (69) as well as harmful environmental effects on health and other child safety threats (52). The Office also monitored issues related to missing children, foreign nationals' residence in the Republic of Croatia, children's safety in playgrounds and playrooms and risks to children arising from hazardous emissions, electromagnetic radiation from telecom base stations installed in the vicinity of residential and other buildings as well as risks to children near kindergartens, schools and playgrounds arising from hazardous materials, dilapidated buildings and animal bites.

Safety of children in traffic – The Office acted on 70 complaints, of which 69 were related to children's road traffic safety. In 2022, there were 1,376 child traffic casualties in Croatia and as many as 12 children died in traffic accidents. It is necessary to improve traffic culture and preventive child protection activities through campaigns and in the media, impose stricter and more frequent sanctions to drivers who cause traffic accidents owing to the “big four killers”: failure to use seat belts, speeding, alcohol and mobile phone use, which are especially detrimental when children are on board, improve the quality of buses transporting children and facilitate the procurement of safer personal vehicles and equipment for safe child transport.

Children's safety in playgrounds and playrooms – Children's playrooms in which children play, have parties and spend leisure time are not controlled in terms of location, child-friendly facilities, persons coming in contact with children and programmes offered to children. There is still no regulation governing conditions for the operation and surveillance of children's playrooms, although the Office of the Ombudsman for Children has alerted the Government and competent ministries to risks to children's safety. 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.

Harmful and hazardous environmental impacts and other issues – The complaints were related to the exposure of children to poor air quality, exceeding the permitted noise level and the impact of potentially harmful electromagnetic radiation (base stations and transmitters) in the vicinity of residential buildings, kindergartens and schools. It is necessary to take measures to mitigate the climate crisis and realise the children's right to healthy environment, to include climate change-related content in school curricula at all educational levels, to conduct information and education campaigns to raise children and young people's awareness of electromagnetic radiation risks and to better inform citizens at local levels on the installation and construction of telecommunications operators' networks, while self government units' municipal services should step up efforts to supervise the implementation of dog keeping regulations.

Missing children - In 2022, 1,535 children ran away from home and care institutions. Most of them are children who fled from institutions (1,198), with severe behavioural problems. Children running away from their homes or institutions expose themselves to danger, as proved by the fact that 33 criminal offences were committed against such children. It is therefore important to early identify families at risk and invest efforts into changing their way of life as well as to eliminate the causes for children to flee from institutions (poor conditions, inadequate treatment and approach to children, peer violence). Experts and institutions should devote their full attention to each case of a missing child and approach it comprehensively, defining the protocol or guidelines or specifying the cooperation of bodies in charge of missing children in some other way. It is also crucial to create conditions for the implementation of a missing children alert system, such as Amber Alert.

2.9 Discrimination

The Office acted on 31 complaints pursuant to the *Anti-discrimination Act*. The complaints related to the area of education (23) show that both adults and children are ill-informed about discrimination and its forms, the potential consequences of expressing discriminatory attitudes and the ways to protect children in such situations. There were 4 complaints about discrimination in access to goods and services, 2 complaints were lodged about discrimination in general and 1 complaint was filed about the judiciary and the social welfare system, respectively.

It is necessary to implement the recommendation of the UN Committee on the Rights of the Child on ensuring the implementation of anti-discrimination legislation and the systematic education of the general public, child experts, adults and school children on the discrimination, intolerance and hate speech addressed to ethnic minority children, refugees and migrants, children with disabilities and LGBTI children; to step up the process of introducing an alternative subject to religious education in schools; to guarantee equality to all students in school activities; to build collectiveness among students, education workers and parents; to emphasise the importance of knowledge, learning and common content; to develop mechanisms for monitoring and responding to the occurrences of any form of discrimination in the educational system; to invest additional efforts into preventing the segregation of Roma students in the primary education system and providing preschool education to all children, irrespective of their parents employment status or domicile/residence; to organise education for the representatives of public authorities, primarily local and regional self-government units, on human rights and the prohibition of discrimination.

2.10 Other rights and lack of jurisdiction

The Office received 72 inquiries, requests and telephone calls that did not concern the violations of children's rights and were out of the jurisdiction of the Ombudsman for Children. The complaints mostly referred to the violations of the rights of adults. The complainants were instructed about ways to seek a solution for their problems and the protection of their rights, while some inquiries were forwarded to competent authorities.

3 CHILD PARTICIPATION

3.1 Network of Young Advisors and 16+ Youth Forum

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 members are appointed by the children who served the previous term, with the participation of the Ombudsperson for Children and her adult advisors. The 16+ Youth Forum (16+ YF) is an advisory group of coming-of-age children consisting of 15 members. The work of the 16+ YF and that of the NYA are based on the same principles.

There were 2 in-person meetings of the NYA and 1 meeting of the 16+ YF as well as 4 online meetings. NYA members participated in commemorating the 15th work anniversary of the regional offices of the Ombudsman for Children in Osijek and Rijeka and in the project of the European Network of Young Advisors (ENYA). They appeared in the Croatian Radio children and youth programme “Trending Topics” (*U trendingu*), completely devoted to human rights.

NYA members participated in the panel-discussion “Children’s Participation in School – An Important Factor of the Child’s Mental Wellbeing”, organised by the Ministry of Science and Education and, at the invitation of the Zagreb Psychological Society, in the round table “What Do We Need for Feel-Good Schools?”, held at the annual conference of Croatian psychologists.

At the invitation of the UNICEF Office for Croatia, the members of the 16+ YF participated in the discussion on child poverty and social exclusion in Croatia, organised as part of the preparations of the National Action Plan, aimed at, among other things, resolving the issue of child poverty, developed within the European Child Guarantee initiative of the European Commission. They also participated in a panel-discussion at the conference organised for the purpose of public consultations about the proposal of the National Action Plan for the implementation of the recommendations of the Council of the European Union on the establishment of the European Child Guarantee, organised by the Ministry of Labour, Pension System, Family and Social Policy.

The members of the NYA and the 16+ YF jointly participated in two online meetings, initiated by the Ministry of Labour, Pension System, Family and Social Policy, within the public consultations about the draft proposal of the National Plan for Children’s Rights in the Republic of Croatia 2022-2026 and the draft proposal of the Action Plan for Children’s Rights 2022-2024.

Two NYA representatives participated in the ENYA Forum held within the project “Let’s Talk Young, Let’s Talk about Children’s Rights & Climate Justice”, organised in Bilbao, Spain, while one member of the NYA participated in the youth meeting within the ENYA FORUM 2022, organised as part of the ENOC Annual Conference, held in Reykjavik, Island.

3.2 Meetings with children

The key objective of meeting and talking with children is to enhance their knowledge of children’s rights and to encourage and empower them to execute their participation rights.

The Ombudsperson for Children and associates held 6 meetings with children at their offices in Rijeka and Osijek and in the Little House of Children’s Rights at the Zagreb office as well as 4 meetings at schools, promoting children’s rights. The staff and the Ombudsperson also participated in 2 meetings with young people from correctional institutions, members of the Advisory Board for Improving Assessment and

Interventions for Children and Youth with Behavioural Problems (“*Iskorak*”), within the UNICEF project in which the Office of the Ombudsman for Children takes an active part. Inspection visits to schools and other child care institutions and locations provide opportunities for talks with the representatives of Student Councils and Beneficiary Councils and with other interested children.

Meetings with children take the form of workshops at which children are introduced to the Office of the Ombudsman for Children and its work method and informed about the UN *Convention on the Rights of the Child* and the activities of the NYA. Discussion topics also include taking a responsible attitude towards the execution of the rights children are guaranteed and born with, while respecting the rights of other children and adults. The talks are also aimed at receiving feedback on children’s views on the current state of their rights, factors weighing on the execution of children’s rights in the society and on who they believe could help them overcome the obstacles and in which way.

4 SPECIFIC AREAS OF THE PROTECTION OF CHILDREN’S RIGHTS

4.1 National minority children

Most of the related complaints concerned the exercise of rights of Roma minority children, while some also addressed the exercise of rights of the children of Serbian, Italian and Czech ethnic backgrounds. The complaints concerned the non-availability of preschool education; neglecting and quitting school education, the segregated education of Roma students, peer violence in schools, minor marriages, inadequate parental care and the provision of adequate housing to families with children evicted from their homes.

4.2 Children with behavioural problems

Several dozens of complaints and telephone contacts referred to children with a range of behavioural problems, from mild problems to the most severe ones, manifested in committing criminal offences. Most complaints were made by parents, followed by school staff members, social welfare institutions and child psychiatrists, while several complaints were made by children placed in care homes. The rights and interests of children with behavioural problems are violated in the educational, social welfare and judicial systems as well as during police actions and when correctional measures are executed.

The work with these children in educational institutions is often devoid of expert and planned interventions. Pedagogical measures are often ineffective and not focused on the well-being of children, which especially concerns moving children to another school. It is necessary to improve the regular and life-long education of teachers and to staff expert departments with as many experts of various profiles as possible. It is also necessary to set up efficient networks for interdepartmental cooperation, with all activities focusing on the best interest of the child.

Due to an insufficient number of child and adolescent psychiatrists in the health care system, a large number of children with behavioural problems and mental health difficulties does not receive proper treatment. Children’s psychiatric wards often refuse to admit children from homes with behavioural

problems to in-patient treatment with a rationale that they cannot be kept in treatment due to their problematic behaviour.

Non-institutional interventions for the provision of assistance and support are not available to all children and families, especially in small communities. Children's removal from families lacks determination on the part of social welfare centres. There is no specialised foster care for children with behavioural problems and foster families fail to apply correctional measures to minor offenders pursuant to the *Juvenile Courts Act*. The lack of accommodation facilities makes it difficult to find placements for children in social welfare homes for children with behavioural problems. This is further exacerbated by the gravity of some children's condition, as the system lacks adequate accommodation and treatment facilities for children having mental health difficulties and/or disabilities combined with behavioural problems. Children below 16 years of age who have developed addictions cannot be placed in therapeutic communities due to the lack of accommodation capacities. Other problems with the functioning of homes also indicate weaknesses in the system.

4.3 Children of incarcerated parents

In 2022, the Office received 15 individual complaints lodged over the rights of children whose parents have been deprived of freedom, initiated about 10 general initiatives and received several telephone calls regarding this topic. The Ombudsman for Children issued several specific and general recommendations for the protection of the rights and interests of children of incarcerated parents to the Directorate for the Prison System and Probation of the Ministry of Justice and Public Administration.

The complaints indicate the inequality of children with regard to the legal basis for their parents' deprivation of freedom: children of parents in detention are entitled to less frequent and shorter visits and contacts than children of prisoners. Another problem is posed by the cases when parents are co-offenders and prohibited from mutual contact, with one of them kept in detention on remand and the other released pending trial. In some penal institutions, children above 14 years of age still cannot use children-friendly areas during visits. Additionally, the number of prisoners included in the parental competencies development programme "Prisoner as a Parent" has been declining.

The Office carried out numerous activities focused on the rights of children whose parents have been deprived of freedom, including cooperation with the prison system and national and international organisations and associations, in particular with the Children of Prisoners (COPE) network, delivering lectures in basic courses for the judicial police, organising education training for the prison system staff and students and the presentation of the book "Both Sides of the Bars – What Do We Owe to Children of Incarcerated Parents?", published by the Office of the Ombudsman for Children.

The prison system has made considerable improvements aimed at children of incarcerated parents, but it should make further efforts towards their maintenance and further development. All other systems, especially the social welfare system, and individuals can and should provide support to these children and their families.

4.4 Children and the media

4.4.1 Media and the protection of children's rights

The Office of the Ombudsman for Children contributes to the protection of children's media rights by monitoring the protection of privacy, the protection from potentially harmful media content, the right

of access to information and the participation of children in the media. The Office receives complaints, reports to competent authorities on the violations of children's rights and gives proposals and recommendations for the protection of children's rights and the improvement of media regulations. In 2022, the Office acted on 30 complaints, and in 2 cases on its own initiative, submitted 4 complaints to the Electronic Media Council, issued 4 warnings/recommendations to editors-in-chief and submitted 1 complaint to the Ethical Council of the Croatian Journalists' Association and 1 to the Croatian Personal Data Protection Agency. It also proposed amendments to 3 regulations on the media.

Although the regulatory framework has been improved, children's rights are frequently violated in the media and the violations are sanctioned rarely and mildly. It is therefore necessary to invest additional efforts into monitoring the implementation of regulations and consistently punish regulatory breaches. Publishers and broadcasters should be obliged to educate editors and journalists on media regulations, professional ethics and the protection of children in media reporting. They should also adopt their own codes of ethics. The protection of children from potentially harmful content should include providing better support to parents and conducting campaigns to instruct them in choosing child-appropriate content and in protecting children's privacy in social network posts and communication with the media.

The Croatian Radio-Television should continue to increase investments in children's programmes and develop more programmes for high school age children. All children's programmes should be adapted for children with sensory disorders and the creation of children's programmes in the Roma language should be fostered. The Ministry of Science and Education should adopt a mandatory media literacy curriculum for all levels of the educational system. High-quality children's media productions and school media groups should receive government aid.

4.4.2 Rights of children in the digital environment

The Office of the Ombudsman for Children monitors the execution of children's rights in the digital environment through the media statements of parents and experts, through the media, by conference participation and by examining the reports of government institutions and NGOs. The Office analysed international and national regulations and documents related to this area and participated in the European Commission expert group on Safer Internet for Children. The analyses included various areas of the protection of children's rights in the digital environment, such as the equality of internet access for all children, various forms of internet violence, harmful internet content for children, the abuse of personal data and the violations of children's privacy.

4.5 Child athletes

In 2022, the Office acted on 62 cases broadly related to the protection of rights and well-being of child athletes, of which 40 were associated with the availability, quality and safety of playing sports as a way of spending leisure time. The remaining cases concerned the protection of privacy and protection from violence as well as general initiatives regarding the rights of child athletes – promoting and advocating the rights of this group of children by means of lectures and conference participation, general recommendations and legislative activities.

The year 2022 will be marked as the year when the work on the new *Act on Sports* was completed. The Office participated in the adoption of the Act by a number of proposals and comments, published in e-consultations on the *Draft Act* in August 2022. The Office also continued to participate in the joint project of the European Union and the Council of Europe "Child Safeguarding in Sport (CSiS)", its main aim being the setting up of positions of Child Safeguarding Officers, i.e., officials entrusted with the protection of children in sports. The licensing of the sports professional staff is regulated by the new *Act*, but only as

an option, not as a requirement. The continued protection of children's interests thus depends on the involvement of national sports associations.

As data on children's inadequate physical activity raise serious concerns, the Office still holds the view that it is important to develop a strategy for the inclusion of physically inactive children in sports and recreational activities in order to enable them to benefit from the positive effects of sport on their overall psychophysical development.

4.6 Children on the move

The Office also monitored the exercise and violations of rights of migrant children, in particular with regard to their illegal individual and collective pushbacks by police officers at the border with Bosnia and Herzegovina and activities taken to reduce the risk of illegal actions in the area of irregular migrations and international protection. A number of difficulties came to light, primarily concerning the reception, accommodation and housing of children in migrations, which include the lack of accommodation and personnel capacities as well as the fact that child migrants continued to be put up in homes for children and young people with behavioural problems. Unaccompanied children should be accommodated in a specialised institution, which would provide a basis for a high-quality system of care, ensuring the ongoing availability of child care workers and interpreters, the assessment of needs and the provision of all required resources for work and assistance. In order for the provisions of the *Foster Care Act* to be more efficiently implemented, care should be taken to organise the education of foster parents on the specific needs of unaccompanied children, the standardised and regular education of special guardians as well as the evaluation and monitoring of their work. Children should be included in the educational system at a stronger pace and provided with systematic and intensive Croatian lessons, while having access to interpreters and psychosocial support, as necessary.

The Office monitored the rights of children fleeing from Ukraine and the activities undertaken by the Government of the Republic of Croatia in order to receive and accommodate persons under temporary protection. Special attention was devoted to children from alternative care and children who arrived unaccompanied by their parents as well as to the process of their inclusion in the educational system and adjustment to new school environment. A major problem is the non-availability of preschool education, while the adjustment to the educational system has been made difficult due to the lack of knowledge of the language. It is necessary to ensure support and empowerment for teachers and experts, the availability of interpreters and, in the long term, the availability of mental health services and health care services.

4.7 Children living on islands

In order to gain an insight into the living conditions of children from islands, the Ombudsman for Children and associates visited public and government institutions on islands. They talked with children and experts in charge of the protection, care and education of children and visited locations for children. The problems of children living on islands and adults who take care of them are specific in terms of the spatial, safety, personnel and organisational conditions of educational and health care institutions and other public services as well as in terms of the availability of leisure activities, services of experts of various profiles and traffic connections between island towns and villages and between islands and the mainland.

4.8 Recommendations of the UN Committee on the Rights of the Child to the Republic of Croatia

The UN Committee on the Rights of the Child, after having considered the combined 5th and 6th reports submitted by the Republic of Croatia and discussed them with the representatives of the Government of the Republic of Croatia in May 2022, published concluding considerations and recommendations to the Republic of Croatia in June, recommending that they be presented to the general public.

Independent human rights institutions, the civil society and NGOs have the main role in reporting on the implementation of the *Convention on the Rights of the Child* and in preparing questions that need to be answered by a State party, so that they are expected to give suggestions for the dialogue between the Committee and State party representatives. A contribution to the last alternative report by the Office of the Ombudsman for Children was also made by the Network of Young Advisors.

The main areas of concern identified by the Committee include non-discrimination, in particular of minority groups, protection from violence and abuse – within the family, at school, on the internet – and providing support to victims, in particular of sexual violence, the rights of children with disabilities, health care and health care services, education and the child justice system. In order to strengthen the child justice system, experts working with children should be provided with adequate training and all judicial proceedings that include children should be speeded up. The Committee recommended the strengthening of community-based care for children with disabilities and their families and providing them with access to health care and inclusive education. The Committee also drew attention to vulnerable groups, LGBTI children, children of incarcerated parents and migrant children.

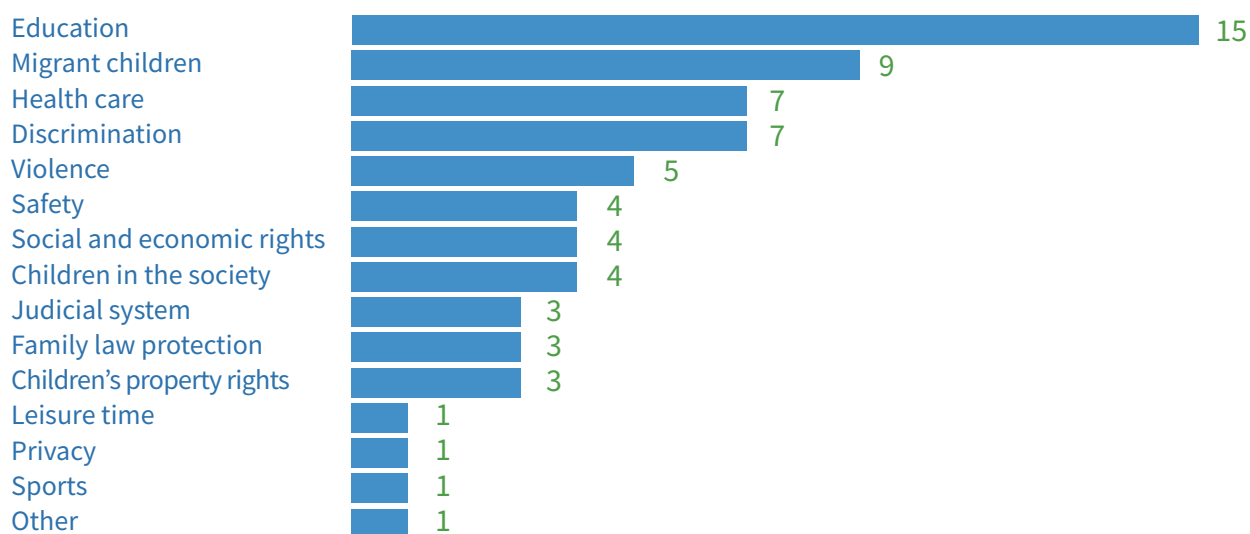
The recommendations of the UN Committee issued to Croatia are binding guidelines for the protection of children's rights and incentives for the adoption of future national strategies and plans in connection with children's rights. These recommendations will also establish criteria for the assessment of Croatia's advancement in the protection of children's rights in the following five-year period. Croatia is obliged to submit the combined 7th and 8th reports in 2027. It is a worrying fact that the Republic of Croatia has not yet submitted a report under the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

5 RECOMMENDATIONS OF THE OMBUDSPERSON FOR CHILDREN

In addition to several hundred recommendations related to the protection of individual children or individual cases, in 2022 the Ombudsperson issued 68 general recommendations, warnings and statements, with an aim of improving the protection of rights of all children or specific child groups.

The recommendations were issued to competent ministries, most of them to the Ministry of Science and Education, the Ministry of Labour, Pension System, Family and Social Policy, the Ministry of the Interior and the Ministry of Justice and Public Administration, with some of them submitted to several competent authorities and the Government of the Republic of Croatia. They were also issued to government bodies, cities, counties and institutions. Out of the 68 recommendations, 10 were general reminders addressed to competent authorities to protect the child's best interest. Responses to the remaining 58 recommendations ranged from complete acceptance to the absence of feedback.

Recommendations of the Ombudsperson for Children in 2022, broken down by areas



Responses of public authorities and institutions to the recommendations of the Ombudsperson for Children in 2022

Total recommendations 58					
Accepted 32 (55%)					
Fully accepted 21 (36%)		Accepted in principle 7* (12%)	Partly accepted 4 (7%)		
Realised 10 (17%)	Not realised 11 (19%)			Not accepted 4 (7%)	No feedback 22 (38%)

*The realisation is not possible under existing conditions.

6 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. In 2022, the Office participated in the work of 4 **working groups** (*Anti-Discrimination Action Plan 2022- 2023, Protocol on Action in Cases of Sexual Violence, Protocol on Action and Cooperation between the Health Care, Social and Punitive System in Treating Persons with Drug Addiction and Guidelines on the Implementation of the Efficient Strategy for the Protection of Children in Sports*) and in the procedure of implementing or amending 37 regulations, including 5 strategic documents. The Office proposed 179 specific changes related to the protection of children by giving opinions on proposed draft regulations and initiating the adoption of new regulations or amendments to regulations in force.

The Office **initiated 8 regulatory enactments and amendments**: the enactment of a new child protection regulation and specific amendments to regulations in force (*Criminal Code, Social Welfare Act, Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia, Law on the Execu-*

tion of Prison Sentence, Ordinance on the Misdemeanour Records and Register of Unpaid Fines, Basic Collective Agreement for Civil Servants and State Employees and amendments to regulations on the employment of students through secondary school institutions, i.e., student services). The Office welcomes the acceptance of the **initiative to adopt a new child protection regulation** and the establishment of a working group within the Ministry of Justice and Public Administration, which includes the representatives of the Office. Nevertheless, there is no reason for satisfaction when it comes to the number of accepted recommendations of the Ombudsperson for Children as a partner and collaborator in the creation of an improved regulatory framework for children. Out of 172 specific proposals, 33 proposals (18%) were imbedded in the regulations for which the legislative procedure was completed.

Responses of the competent authorities of the Republic of Croatia to the proposals of the Ombudsperson for Children aimed at the improvement the legislative framework for the protection of children's rights in 2022

Total recommendations 179					
Accepted			Not accepted 77 (43%)	Taken note of 45 (25%)	No feedback 7 (4%)
Accepted in principle 17 (10%)	Partly accepted 4 (2%)	Accepted and embedded in regulations 29 (18%)			

7 RESEARCH ACTIVITIES

7.1 Children in institutions for children without appropriate parental care

The Research on children and young people accommodated, placed and residing in homes for children without appropriate parental care and community service centres was carried out for the purpose of monitoring the process of deinstitutionalisation of homes for children without appropriate parental care and the development of foster care. There were 12 more children placed and residing in homes compared with 2021. Out of the total of 818 children, 242 were younger than 7 years of age, with 103 of them younger than 3 years of age. In 2022, homes and community service centres accommodated 555 children and young people (544 children and 11 young people). In the observed period, 291 children were placed in institutions pursuant to emergency measures, when there was a risk to the lives, health or wellbeing of these children, who could be protected only by their separation from the immediate environment. This measure was imposed for 77 children below the age of three. Out of the total of 555 children and young people admitted for accommodation or placement in 2022, as many as 360 of them were separated from their biological families. The number of children with the residence service recognised increased by 51 from 2021 in 2022, standing at 545. The year 2022 saw 39 adoptions, while 140 more children who met legal requirements for adoption were placed in homes for children without appropriate parental care and community service centres. In 2022, homes for children without appropriate parental care and community service centres admitted 71 unaccompanied children-foreign nationals.

7.2 Children of incarcerated parents in alternative care

In order for the approach to examining the needs of the children of incarcerated parents to be as integrative as possible, the Office analysed the degree to which their needs were recognised in alternative care institutions and the type of institutional capacities for meeting their needs and executing their rights.

This group of children and young people is exposed to multiple vulnerabilities: marginalisation due to their parents' behaviour, separation from their families, disabilities or behavioural problems. The Office of the Ombudsman for Children therefore prepared a special questionnaire for institutions for children without appropriate parental care, children with disabilities and children with behavioural problems.

The data collected indicate a high degree of awareness of experts from these institutions for the diverse characteristics of children of incarcerated parent placed in care. The responses indicated that they invested efforts into recognising the needs of children, including them into everyday routines and encouraging them to make contacts with peers. This provides a good foundation for improving the quality of the individualised approach to the needs of these children and for strengthening institutional capacities for the care of this heterogeneous group of children coming from various backgrounds and reacting differently, which may prove helpful for the development of a programme framework for working with them. The existence of a trustworthy person, mentioned in some responses, is especially important for children of incarcerated parents living in institutions.

8 INSPECTION VISITS TO CHILD CARE INSTITUTIONS AND OTHER LOCATIONS

The regular annual activities of the Office of the Ombudsman for Children also include inspection visits to institutions and other facilities organising stay for children. In 2022, the Ombudsperson and associates visited 51 institutions, including 13 social welfare institutions (8 homes for children without appropriate parental care, 3 homes for children with behavioural problems and 2 education centres for children with disabilities), 2 social welfare centres, 2 shelters for domestic violence victims, 14 educational institutions (3 kindergartens, 5 primary schools, 3 secondary schools and 3 students' homes), 5 health care institutions, 3 penal institutions, 1 children's leisure time location, 6 accommodation facilities for displaced persons from Ukraine and 5 other locations where children reside or are temporarily or permanently accommodated. After the visits, the competent services were submitted observations and recommendations, as appropriate.

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

This chapter presents 20 conferences and events that the Office of the Ombudsman for Children organised independently or in cooperation with other institutions, publishing projects, lectures and published texts. It also describes 8 projects in which the Office participated and projects it supported as well as cooperation with institutions and organisations. The events worth mentioning include the marking of the 15th anniversary of the regional offices in Split, Osijek and Rijeka, conferences on the topics of sports, peer violence prevention, children's participation in school and child poverty and the two-day interdisciplinary expert conference on the realisation of rights of children living on islands.² There were also several presentations of the publication "Both Sides of the Bars – What Do We Owe to Children of

² The conference was organised in the Grohote Primary School on the Island of Šolta.

Incarcerated Parents?”³ This publication was followed by the infographics “Who Can Provide Support to Children of Incarcerated Parents?”.

About 70 lectures were held in expert and other conferences in the Republic of Croatia, including lectures and workshops for experts and students. There were 6 small publications, 4 of which were intended for children and child experts, most important being the poster leaflet “Child Participation – What Is This?“, published in Croatian and English and the picture book “I Know and Respect Children’s Rights”. The illustrated calendar on children’s rights for 2023 was dedicated to the 20th anniversary of the Ombudsman for Children in the Republic of Croatia.

10 INTERNATIONAL ACTIVITY

International cooperation comprises the activities of the Ombudsperson for Children carried out in communication or cooperation with international organisations and organisational networks, institutions and bodies or independent experts as well as by participation in relevant conferences. Due to the pandemic, part of these activities were in 2022 held in the form of videoconferences, virtual meetings and webinars as well as in the hybrid form.

There were many international activities, with a large number of them carried out with the networks of organisations of which the Ombudsman for Children is a member, such as ENOC, COPE, Eurochild and others. Part of the activities concerned the cooperation with the UN Committee on the Rights of the Child, aimed at aiding the Committee in examining the state of children’s rights in Croatia and adopting concluding observations to a State party to the *Convention on the Rights of the Child* and their presentation.

A large part of the activities concerned the general strengthening of the position of children and child participation, mechanisms for the protection of children and some vulnerable groups, such as children from Ukraine, climate changes and the impact of the global climate crisis on children’s rights as well as the independence and strengthening of the institutions of the ombudsman for children. Together with the members of the Network of Young Advisors to the Ombudsman for Children and 16+ Youth Forum, the Office took part in the ENOC project of young advisors to European ombudsmen, participating in the ENYA network, entitled “Let’s Talk Young. Let’s Talk about Climate Justice!”

11 OTHER ACTIVITIES OF THE CENTRAL OFFICE AND REGIONAL OFFICES

The Office of the Ombudsman for Children carries out its tasks in the central office in Zagreb and in regional offices in Split, Osijek and Rijeka. This improves the Office’s accessibility for children and enables the Office staff members to communicate with institutions more efficiently and to visit the places where children reside. 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 in 2022, accompanying it with data on the areas of violations of children’s rights and the activities of the Office taken to promote and protect children’s rights.

³ The authors are Maja Gabelica Šupljika, Deputy Ombudsperson for Children and the journalist and publicist Višnja Biti, with associates.

12 ORGANISATIONAL STRUCTURE AND FINANCES

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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. As at 31 December 2022, the tasks and activities of the Office were performed by 19 civil servants (4 fewer than 23 planned and established positions) and only 2 officials (Ombudsperson and Deputy), because one Deputy went on the maternity leave in 2021 and is still on the leave, which makes the performance of organisational and management tasks at the Office considerably more difficult.

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 budget of the Office of the Ombudsman for Children for 2022 was HRK 6,675,900. The budget execution rate was **94.06 % (HRK 6,279,650.08)**.

13 CONCLUSION

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The advances made in the various areas of children's lives, welcomed by the Committee on the Rights of the Child in its recommendations issued in the second half of 2022, are shadowed, as observed both by the Committee and by the Ombudsperson for Children, by deficiencies in the implementation of the *Convention on the Rights of the Child*.

The protection of children against discrimination is insufficient, as is the protection against domestic violence and abuse, school violence and violence on the internet. There is a lack of adequate support for the victims of sexual violence, the justice system is still not adjusted to children and judicial proceedings last too long. The access to health care services is difficult and the rights of children with disabilities are violated. There is a lack of experts and the community-based care for children with disabilities and their families needs strengthening. The protection of vulnerable groups, such as LGBTI children, is inadequate. The Committee therefore issued a strong message, emphasising the importance of child-focused measures and strategies as well as of ensuring resources for their implementation.

Until this is achieved, children's rights will continue to be violated in numerous areas.

Child violence increased in 2022, especially peer violence in educational institutions, rising by 100% from the previous year. It is extremely important to continue working on the prevention of all forms of violence against children and the establishment of a high-quality protection network. The uneven responses of schools to child violence emphasise the importance of educating teachers and expert associates on prevention and procedures in the cases of violence. It is worrying that over 5,000 children were victims of criminal offences, which is an increase of 4.4% from the previous year.

Another cause of concern is the number of children without appropriate parental care in institutions. This may be due to the stepped up efforts of experts and the system in the protection of children and their separation from families, but also to deficiencies in finding alternative family care. The number of foster families is insufficient. A special concern is raised by the fact that 103 children younger than 3 years of age are in institutions. Although over two thirds of children below 3 years of age were placed in institutions pursuant to emergency measures, as shown by available data, institutional accommodation is extremely harmful for this group of children, so that the Ombudsperson for Children recommends taking urgent measures to ensure a warm family environment for the youngest children without appro-

ropriate parental care. It is important to continue work on the promoting and strengthening of foster care, as noted by the UN Committee on the Rights of the Child, but also to speed up procedures for adoption, as a permanent form of care for children who cannot receive it in their own families. Although the number of adoptions increased slightly in the previous year, there are still 140 children who meet conditions for adoption in institutions.

As regards the health care of children, the causes of concern include the inadequate number of experts in the health care system, the poor availability of services for children in rural areas and on islands and for children in a poor financial situation, as well as issues in communication between health workers and parents. The **area of mental health** has remained critical and requires measures to be taken to expand related services. Also, the importance of informing the public and parents on the benefits of regular vaccination for each child cannot be stressed enough.

Multiple efforts are required to **execute the rights and interests of children with behavioural problems**, as they are currently violated in various systems, including the education system and the health care, social welfare and judicial systems as well as in the police system and during the implementation of correctional measures. When working with children with behavioural problems it is important to apply the multidisciplinary approach, establish the network intradepartmental cooperation and focus on the best interests of the child. Schools have to be provided with complete expert teams, led by social pedagogues, for the prevention, detection and intervention in the cases of behavioural problems. The *Ordinance on the Method and Form of Providing Educational Support and Professional Treatment to Children at Risk of Developing Behavioural Problems and Children with Behavioural Problems* should be adopted as soon as possible.

Children with disabilities and their families have difficulties with enrolment and stay in kindergartens as well as with the inadequate support of assistants in the preschool education system. The legally prescribed advantages concerning the enrolment of children with behavioural problems should be implemented in practice and a comprehensive system of support to children in preschool institutions should be established. More efforts should be invested in the development of teachers' competencies for including children with behavioural problems in educational processes.

The right to **preschool education** should be ensured for all children, and especially for children on islands. This can be achieved by the cooperation of local self government units. On larger island, children from communities and towns without kindergartens should be allowed to enrol.

The Ombudsperson for Children welcomes the decision to offer **free meals in schools** and emphasises the importance of nutritionally balanced and warm cooked meals in the diet of school children as a standard that should be provided to each child.

The omnipresence of **digital content** in children's lives highlights the pressing need to introduce media literacy in the mandatory curriculum at all levels of the educational system. The provision of support to children should be accompanied by the support to parents in the area of media literacy.

The year 2022 saw some improvements of the regulatory framework in the **area of electronic media**, so that it is necessary to improve the monitoring of regulatory implementation and consistently sanction breaches. Ongoing investment should be made in the education of journalists on media regulations, codes of ethics and children's rights, and their general awareness of vulnerable groups that are the subjects of their reports should be raised.

The relationships between teachers and education workers have become the most critical area of the **educational process**. It is necessary to improve the cooperation and communication between parents and education workers. Investments should be made to train teachers on this topic and communication

and cooperation with parents should be included in the curricula of teacher education faculties. The continuity of complaints related to the area of education also indicates that more efforts should be made to understand, identify and eliminate discriminatory behaviour in practice. It is necessary to educate education workers on children's rights, discrimination and the prohibition of discrimination.

The education on children's rights and the prohibition of discrimination is also required for the representatives of public authorities, especially local and regional self-government units, whose individual actions often reveal a lack of understanding of the term and manifestations of discrimination as well as of the methods to prevent it and protect children, in particular vulnerable child groups (children with disabilities, children of foreigners).

Children on the move who have found shelter in our country should be provided with additional support in order to enable them to become integrated in the society. This involves increasing the number of interpreters, the inclusion of children on the move in the preschool education system and strengthened support in the area of mental health.

Leisure activities are mostly available only to children whose parents can afford them. It is important that towns and communities step up efforts and increase resources in order to make leisure activities accessible to children living at risk of poverty. The supervision of spatial, technical and personnel conditions of playrooms should be regulated in order for children to be safe. Child safety in all organised activities for children should be a priority, which makes it necessary to adopt a special regulation on child protection.

Traffic accidents involving children are a cause of concern. The prevention and protection of children in traffic should remain a national priority.

The year 2022 marks the 15th anniversary of the establishment of the regional offices in Split, Osijek and Rijeka, which was one of the recommendations of the UN Committee on the Rights of the Child, aimed at making the work of the Ombudsman for Children more accessible to children and parents outside the capital of the Republic of Croatia. The previous years have confirmed that this was a right decision, as the regional offices have made the support and assistance of the Ombudsperson in the protection of children's rights more accessible and her work more visible in Dalmatia, Slavonia and the Croatian Littoral.

Despite a high degree of proactivity of the institution of the Ombudsman for Children in the adoption of new regulations, only one third of the proposals has been embedded in new regulations.

A large part of the work of the Office of the Ombudsman for Children is focused on the development of recommendations. The bodies to which the recommendations are submitted are invited to accept and implement them as well as to cooperate through submitting regular responses and complying with the laws governing the realisation of rights of every child.

At the end of this Report, the Ombudsperson for Children invites all departments to study the recommendations given in it by specific areas, as well as the recommendations of the Committee on the Rights of the Child, and to address chronic problems that prevent children from growing up happy and healthy. Let us use the strength and incentive of the recommendations of the Committee on the Rights of the Child and the new **national plan** for children's rights to the benefit of each child in our country!