

STATE PARTY EXAMINATION OF CROATIA'S THIRD AND FOURTH PERIODIC REPORT

67TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Croatia ratified the Convention on the Rights of the Child (CRC) on 12 October 1992. On 15 September 2014, the Committee on the Rights of the Child (the Committee) examined the third and fourth report of Croatia. It was last examined on 20 September 2004.

Opening Comments

The delegation of Croatia was led by H.E. Mr. Hrvoje Sadarić, Assistant Minister for Social Policy, Strategy and Youth, Ministry of Social Policy and Youth. He was supported by representatives from the Permanent Representation of the Republic of Croatia to the United Nations in Geneva, the Ministry of Social Policy and Youth, the Ministry of Justice, the Ministry of Health, the Ministry of Science, Education and Sports, the Ministry of Foreign and European Affairs and the Ministry of Interior.

Mr. Hrvoje Sadarić emphasised that special attention had been given to children and that the responsibility of parents as well as of society as a whole was essential. He spoke of the new Family Act which provided a wider range of rights. There was also a new Social Welfare Act which had entered into force in 2014.

Mr. Hrvoje Sadarić further mentioned the efforts of the State party to deinstitutionalise children in social welfare homes and to close them. There was a special focus on children at risk of marginalisation. He added that children under the age of 7 could not be institutionalised.

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at www.childrightsconnect.org/index.php/publications-resources/crc#countrysum

Mr. Hrvoje Sadarić also described the aim of the State party to have a child friendly justice system with a priority given to out of court settlements such as compensations.

Ms. Aseil Al-Shehail and Ms. Renate Winter, the Country Rapporteurs, welcomed the delegation and underlined the tremendous efforts that had been made in particular as far as legislation was concerned.

General Measures of Implementation

Legislation

The Committee expressed concerns about the implementation of the numerous laws that had been adopted. It added that there was an absence or inefficiency in the monitoring and evaluation of the application of laws. The delegation explained that for each law there were generally 10 to 15 by-laws which included the appropriate monitoring mechanisms. It further specified that the Ministry of Justice had set up working groups which monitored the implementation of newly drafted laws for 6 to 8 months since their entry into force.

Coordination and monitoring

The Committee asked if there would be a national action plan. The delegation responded that the National Strategy for Children's Rights was being adopted this month and would oblige Ministries to develop an action plan as well as centralise the collection of data.

The Committee emphasised that the Croatian Office of the Ombudsman was one of the few independent bodies in the whole region and asked how this would be guaranteed in the future. The delegation assured that there was no intention to reform the Office of the Ombudsman and underlined the current good collaboration.

Dissemination and training

The Committee asked if there had been any awareness raising on the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure. It also noted that judges had been trained on the CRC and asked how other stakeholders were being targeted. The Committee further enquired about the dissemination of the CRC among children in particular in rural areas. The delegation acknowledged that the CRC was not an obligatory course in schools. It explained that over the last two years an experimental curriculum on civil education was tested in 12 schools with great results. The delegation assured that teachers received training.

The Committee also asked if the General Comment 12 on the right of the child to be heard and the General Comment 14 on the right of the child to have his or her best interest taken as a primary consideration had been implemented as well as translated into Croatian. The delegation did not respond to this question.

The Committee asked about the training and capacities of social welfare experts. The delegation answered that it was a legal obligation for social welfare experts to receive continued specialized training, such on children with learning disabilities.

Data collection

The Committee underlined that the lack of disaggregated and comparative data. The delegation responded that the National Strategy for Children's Rights would lead to the centralisation of data.

Budget

The Committee took note of the austerity measures in the State party and asked if their impact on children had been studied. The delegation stated that the budget cuts would not affect the

funds allocated for children. It added that it would suggest to the government to undertake an impact study of austerity measures.

Definition of the Child

The Committee said that the definition of the child was in line with the CRC but noted that there was incomplete information on voting ages and other key thresholds. The delegation did not respond to this question.

General Principles

Non – discrimination

The Committee underlined a general level of intolerance within the population of the State party. It asked what measures had been taken to fight discrimination in schools and how many cases of discrimination against Roma children existed. The delegation answered that no distinction was made between Croatian and Roma children and that they all had access to education regardless of their origin. It added that every year there was a growing number of Roma children in every education level. There were also Roma assistants to help Roma children in lower grades. The delegation further explained that Roma minorities had access to all social benefits.

The Committee welcomed good practices of inclusion of children from different backgrounds and underlined the need for more joint activities. The delegation acknowledged that in the past there had been problems in Vukovar between Serbs and Croats but emphasised that children were schooled together. The Constitutional Act on the Rights of National Minorities and the Act on Education in the Language and Script of the National Minorities guaranteed Serbian children the possibility of being taught in their mother tongue. The delegation added that children from different backgrounds worked on projects and extracurricular activities together. It further spoke of an online campaign to eliminate hate speech.

Respect for the views of the child

The Committee was concerned that judges did not consider children's voices in judicial proceedings. It asked about the measures that had been taken to ensure that children's views are taken into account. The delegation emphasised that the Act on Primary and Secondary School Education stipulated that children needed to participate in the life of the school and the community. It added that children had the right to participate in discussions where their rights were concerned.

Right to life, survival and development

The Committee asked about measures taken to improve road safety. The delegation described the National Programme of Road Safety 2012-2020 which encompassed prevention programmes such as child friendly material and police officers visiting first grade classes. It underlined that in 2004 there were 58 deaths while in 2013 there were 6 fatalities. The delegation further said that it was a strategic goal to promote school traffic units.

Civil Rights and Freedoms

Corporal punishment

The Committee highlighted that discipline was used in schools through various forms of punishment. It asked if there had been any awareness raising against the use of corporal punishment in particular. The delegation stated that the government was against corporal punishment of any kind. Even if corporal punishment was not defined in the State party's

legislation, it was considered to be physical assault. The delegation added that teachers received training on violence and most schools had ethic codes as well as preventive programmes.

Child abuse

The Committee was concerned about peer-to-peer violence. The delegation responded that violence was being monitored and data was available. Each case was dealt with by experts on youth. It also mentioned the “Leading a Life without Violence” activity which was interdisciplinary and adapted to children. Relevant professionals were trained on peer-to-peer violence as well as domestic violence. In particular, 4,000 police officers had been trained through 417 workshops on domestic violence that also included a component on the right to be heard. Programmes on communication skills and peaceful resolution of conflicts were also provided to parents and children with behavioural problems.

The Committee welcomed the Family Act’s legal obligation that every person report cases of child rights violations to the competent authorities. The delegation explained that a failure to report was a criminal offence and was considered to be a form of complicity. It added that there were more and more reports submitted by neighbours and healthcare professionals. In the social welfare system, institutions had to take action if they had received a report of a violation. The delegation also specified that Article 178 of the Criminal Code led to a sentence ranging between 6 months and 5 years for any abuse. It further spoke of the standard operating measures to deal with domestic violence and the 320 specialised officers for youth. They received a 7 day training which covered international obligations and interviewing techniques.

The provisions of Article 93 of the Family Act gave the responsibility to parents to monitor their children during nightly outings. The police could contact the parents if their child was found unescorted in the street at night.

The Committee spoke of reported cases of institutionalised children with mental disabilities who had been subjected to inhumane treatments in psychiatric wards. The delegation acknowledged the incident of children being attached to their beds. It explained that there had been an investigation.

Freedom of thought, conscience and religion

The Committee underscored that freedom of religion was guaranteed in legislation but not upheld in schools. The population being 80 per cent Catholic, children who did not attend religion classes were subject to discriminatory behaviours.

Access to information

The Committee asked about the training given to children on information technologies and if they were used to facilitate participation. The delegation described the e-citizens project which enabled to make administrative demands and enquiries through the internet. It added that the State party was part of the pilot programme to enable children to have smart phones and be constantly in contact with their teachers.

Birth registration

The Committee enquired about the fees for birth registration and how they affected the Roma population. The delegation answered that the financial situation of Roma families was taken into consideration for fees as was the case for all Croatian citizens.

Family Environment and Alternative Care

Family support

The Committee underlined that there was a lack of adequate policies in the business sector for working mothers. The delegation responded that there were discussions around the draft National Family Policy to include obligations for the business sector to favour families.

It added that a reform was underway to free social welfare experts from administrative tasks through one stop shops in order to make them more available and effective.

Institutions and family-based care

The Committee noted the efforts by the State party to deinstitutionalise children and enquired about the modernisation of the subsisting institutions. It further sought information on the support given to children after they had left institutions. The delegation said that foster care was prioritised especially for vulnerable children. The Family Act provided professional help and support for parents as well as professional care for children. The delegation added that 250 children left institutions every year. They received a monthly allowance and, with the cooperation of civil society, accommodation, skills and jobs were provided.

Adoption

The Committee was concerned that the adoption procedure was very long and noted that children with disabilities could not be adopted. The delegation responded that the State party aimed to increase the number of adoptions of children in need.

Basic Health and Welfare

Health services

The Committee raised concern about the lack of staff to deal with malignant diseases. It further noted that the visiting hours in hospitals were limited for parents. The delegation underlined that there were efforts being made to ensure a more human treatment in hospitals. It added that children's clinics employed the highest level of healthcare personnel and therapists. The delegation further explained that parents had the right to stay at the hospital and if there were insufficient spaces they received money to stay in a hotel in the vicinity.

The Committee enquired about the confidentiality between patients and medical staff and pointed out that parents and children did not receive sufficient information on their rights. The delegation answered that a parent had the right to be informed about the results of a medical procedure and the names of the professionals who undertook it. A parent also had the right to a second opinion. The consent for medical procedures had to be signed by the legal guardian of the child. If the patient and the legal guardian differed in opinion, the Social Welfare Centre was called upon.

Breastfeeding

The Committee welcomed the increase in breastfeeding rates but asked why there was still advertisement for infant formula. The delegation responded that a group of nurses was gathering women to conduct focused group discussions on issues related to breastfeeding. About advertisement of infant formula, the Ministry of Health had prohibited the distribution and advertising of infant formula in hospitals. The delegation acknowledged that there was advertising for infant formula in pharmacies and shops, but pointed out that the government continued to raise awareness and remove aggressive advertising.

Drug and substance abuse

The Committee noted the increase in alcohol consumption among girls and asked about the measures being taken to prevent it. The delegation explained that there were prevention activities and awareness raising about the risk of drug and substance abuse. The Ministry of Justice targeted bars and shops. The delegation further spoke of the programme "Alcohol and

young people - alcohol is not cool," which targeted parents and professionals working with youth.

Education, Leisure and Cultural Activities

Pre-school education

The Committee noted that working parents were given a priority access to early childhood care. The delegation explained that pre-school education was not mandatory but it was made available. It was under the jurisdiction of local administrations and depended on their funds. The delegation added that large companies had kindergarten facilities.

The Committee enquired about the monitoring of the quality of home based care. The delegation responded that unemployed women had been given the possibility to become nannies which enabled to provide early childhood care in local communities with insufficient funds for kindergarten facilities. The Act on Nannies from 2013 gave the possibility to have professional and qualified personnel. The delegation added that there was a registry of nannies and parents had the role of supervision. They could contact one of the 19 family centres which were responsible for nannies.

Children with disabilities

The Committee highlighted the limitations in inclusive education in rural areas. It further asked if children with disabilities were segregated at the pre-school level. The delegation responded that children with disabilities were integrated and had services given to them according to their disability. It also underlined that there was a team of professionals to take care of their needs. Children with severe difficulties were placed in a separate specialised school. There were 25 such schools and 98 schools had the infrastructure to ensure inclusive education. The delegation added that in inclusive classes there was a limit of 28 pupils.

Leisure and cultural activities

The Committee underlined that there were no regulations for the design and construction of playrooms. It also underscored that after school activities were not free and the existing offer was limited. The delegation did not respond to this question.

Special Protection Measures

Juvenile justice

The Committee welcomed the efforts to make the penal process more child friendly but underscored that this was not the case for administrative proceedings. It enquired about the assistance given to children during divorce proceedings and to child witnesses. The delegation responded that the recent Juvenile Courts Act required the recording and filming of all interviews. This enabled the child to not be present during court proceedings. The delegation explained that children had a legal representative and that there was a list of attorneys who could represent minors. It emphasised that legal professionals received a multidisciplinary training on international provisions. It added that the Juvenile Courts Act prohibited the publication of any cases involving children.

The Committee highlighted the inadequate conditions of children in detention. The delegation answered that everything was being done to ensure the separation of children and adults. It also spoke of alternative measures to detention, such as the placement in social welfare institutions. There were currently 5 girls in such institutions.

Refugees and asylum seekers

The Committee asked about the conditions of children in reception centres and if these had special accommodation facilities for vulnerable groups. The delegation explained that families with children had to be accommodated together and with some privacy. It also underlined that unaccompanied children received a temporary residence permit for humanitarian reasons.

Children involved in armed conflict

The Committee asked about the criminalisation of the recruitment of children. The delegation responded that Articles 91 and 95 from the Criminal Code dealt with the recruitment of children and provided sanctions of up to 3 years.

Sexual exploitation

The Committee underlined that the State party was a transit country for exploitation and trafficking. It asked if children could be witnesses and if they received protection. The delegation highlighted that child witnesses were granted protection. It further mentioned the cooperation of the State party with regional police forces. The delegation also pointed out that additional investigations were undertaken for children victim of trafficking before any return to the country of origin was organised.

Concluding Remarks

Ms. Aseil Al-Shehail and Ms. Renate Winter, the country Rapporteurs, welcomed the constructive dialogue and underscored the need to raise awareness on children's rights. They further said that the Concluding Observations should be used as a tool to better apply the rights of the child.

The delegation said that the Concluding Observations would help in the development of strategies. It also welcomed the fruitful discussion and underlined the awareness of the State party about the issues raised.