

**Croatia - List of issues submissions prepared by the
Coordination of Associations for Children**

2018

INTRODUCTION

The report was prepared by the **Coordination of Associations for Children** in co-operation with member associations, other interested associations and experts. The report follows the cluster format of the Convention on the Rights of the Child.

NGO's who have contributed to this report are:

ADOPTA – Organisation for the support to adoption

Are You Syrious (AYS)

Association „Children first“

Association of Youth and Family Judges and Specialists

Centre for missing and exploited children Croatia

Croatian Association on Early Childhood Intervention

Forum for Freedom in Education

Inclusion Support Center IDEM

Open Academy Step by Step

“Our children” Society Opatija

Parents' Association "Step by Step"

RODA Parents in Action

SOS Children's Village Croatia

Status: M

The Union of Societies “Our children” Croatia

GENERAL IMPLEMENTATION MEASURES

a. Local legal provisions and strategic documents that guide the fulfilment of children's rights as prescribed by the Convention

Since the last reporting period, the protection of the rights of children in the Republic of Croatia remains beset with legal uncertainties, caused primarily by the frequent changes in legislation. Another law that has been amended in 2017 is the Ombudsperson for Children Act, the passing of which automatically caused the replacement of the then current Ombudsperson for Children Ivana Milas-Klarić and which stipulates that the Ombudsperson for Children can be replaced if the Croatian parliament fails to accept his or her progress report. This is a continued threat to the autonomy of one of the most important bodies for the implementation of the Convention on the Rights of the Child in Croatia.

We also point out the need to improve policies and support systems for early and pre-school children with developmental and developmental risks and their families, as well as introducing an integrated approach to the development of a national early childhood intervention system.

In conclusion, if we look at the recommendations of the Committee on the Rights of the Child for the previous reporting period, we can conclude that not a single recommendation of the Committee has been implemented so far.

- **Why haven't the recommendations of the Committee on the Rights of the Child for the previous reporting period been implemented?**
- **How do you explain the infringement upon the autonomy of the institution of the Ombudsperson for Children?**
- **What does the state do to create a legislative framework for early childhood intervention as an integrated system that provides the right to early learning and the development of potential for children with social and biological developmental risks and developmental difficulties?**

b. National or local mechanisms for the coordination of child-related policies

So far not a single measure outlined in the Strategy for the Rights of children 2014-2020 has been implemented. The Action Plan for 2017 for the Strategy was adopted, but it is far too extensive and it in no way indicates how the Strategy will be implemented in practice.

It is difficult to determine any actual extent and reach of measures implemented through the amendments of laws and secondary legislation because well-defined and binding mechanisms for the monitoring and evaluation of their effects are still not in place.

The implementation of the National Strategy should be systematically monitored by the Children's Council. In comparison to the previous reporting period, this multi-sector body met only a few times in the past four years, solely for the purpose of protocol. This seriously threatens the implementation of the key strategic document for the protection of the rights of children and in more general terms, the independent monitoring of the implementation of the Convention on the Rights of the Child in the Republic of Croatia.

- **How do you plan to ensure the implementation of the National Strategy for the Rights of Children 2014 -2020 in the Republic of Croatia?**
- **When and how do you plan to ensure efficient and unobstructed work of the Children's Council?**

c. Familiarizing children and adults with the principles and provisions of the Convention

For the past two years, the Croatian society has been under an increasing influence of conservative values, which are often in conflict with the principles and provisions of the Convention on the Rights of the Child. This reduces opportunities to familiarize children and adults with said principles and provisions.

At the same time, the civil society organizations focused on protection of human rights and promotion of democratic values, which were instrumental in familiarizing children and adults with the principles and provisions of the Convention, have been under political and ideological pressure aimed at diminishing their importance and discrediting them in the general public.

- **How does the State plan on eliminating political and ideological pressures on civil society organizations, and what steps is the State taking or planning to take in order to provide a more significant public space for principles and provisions of the Convention?**

d. Funding for the children

Since the last reporting period, the Republic of Croatia has not taken any steps to develop the so-called Children's Budget, i.e. to promote ways of reporting on budgetary funds directly or indirectly allocated for the needs of children that would ensure a transparent overview of the total funds dedicated to children.

- **Where does State see the main obstacles to the development of the Children's Budget and to creating conditions for a more transparent spending of funds?**
- **When and how do you plan to start improving ways of reporting on the funds within the state budget that are directly or indirectly allocated for children?**

GENERAL PRINCIPLES

a. Non-discrimination

According to the 2016 Report by the Ombudsperson for Children, most of the cases reported after the last reporting period took place in the sector of education, followed by reported cases of discrimination in the legal system, social welfare, health care and housing sectors.

Most reported cases of discrimination refer to discrimination on the basis of ethnicity, health status and age, followed by discrimination based on social status, genetic heritage, financial status, disability, gender, sexual orientation and religion.

b. Best interests of the child

On April 20, 2017, the Ministry of Demographics, Family, Youth and Social Policy announced the introduction of comprehensive indicators of children's wellbeing. Since then, not enough has been done to secure technical, human and financial resources to implement these measures, which were originally outlined in the National Strategy for the Rights of Children 2014-2020.

- **Why doesn't Croatian government see the establishment of mechanisms to monitor the enforcement of children's rights as priority in protecting the children's rights?**

c. Right to life, survival and development

Services in Croatia are still primarily treatment-based and focused on the child and his or her difficulties, relying on a medical model that is out of balance with the developmental needs of the child and the needs of the natural environment. This seriously impacts the development of children and reduces their opportunities for further education and social inclusion.

The police does not monitor violations of the Road safety act, in the cases of transporting a child by car or motorcycle and don't even to issue a warning. Courses for parents on safe transportation of children are extremely rare and any education depends on the volunteer efforts of maybe two dozen people in the entire country.

- **What does the State intend to do to bring to life the social model of support for children of early and preschool age and their families and to make the services comprehensive and ensure the right to optimal development of the child?**
- **What plans does the State have to educate police officers on traffic safety for children and to instruct them on issuing fines for traffic safety violations and putting children at risk? What timeframe has the State set for this?**

d. Respecting the views of the child

The conclusion of the study conducted as part of the COBRAS project *Aiming High in Diverging Life Contexts: the Qualitative Exploration of Differences in Pupils' Educational Aspirations Living in Differing School Neighbourhoods* is in line with the need to develop civic competences among children and youth in the Croatian educational system and it shows that voices of children and young people are often neglected.

The recommendations of the Committee on the Rights of the Child emphasize the need for the development of human rights education that is missing from the Croatian educational system.

When does the Croatian government plan to include a course on human rights in Croatian schools?

CIVIL RIGHTS AND FREEDOMS

a. Registration of birth, name and nationality

Parents who choose home birth face difficulties when registering their child's birth because each registrar has the right to request whatever documents they see fit to accompany the application and to implement arbitrary deadlines for registering the birth (10 days instead of the legislated 15 days).

- **What steps is the State taking to create a transparent and simple procedure for registering births of children that do not take place in hospital facilities?**

b. Protection of identity

Personal identification number PIN (hrv. OIB) is assigned to each individual upon birth and cannot be changed. The changes of the Family Law in 2015 have allowed the change of PIN for the children adopted in 2015 onwards, but not for the children adopted before. With the documented instances of the abuse of personal data, including the one when biological family with a history of violence has, through PIN number, identified the adopted family and the residence of the child, the question of the protection of identity and safety of adopted child has become an urgent issue.

- **What specific measures does the government plan to undertake to protect the identity and safety of adopted children and their families? When does the Government plan to change the Law on PIN?**
 - **Which measures shall be put in place to increase the protection of data in the official databases?**

d. Freedom of thought, conscience and religion

There are still issues with children who do not take elective religious instruction classes in primary schools and who have to spend this time in corridors or in the school library because their schools have failed to provide alternative lessons for them.

- **What programmes have been provided for children who do not take religious instruction in school?**

e. Protection of privacy and reputation

According to the Ombudsperson for Children's annual report, most reported violations of children's privacy were in regards to unauthorized publication or use of children's photographs or other personal information, such as their first and last names, their PIN or address, mostly in the media, in institutions or family or in other places in the context of enforcing specific laws.

- **How does the State ensure the consistent enforcement of laws that protect the children's right to privacy and reputation?**

f. Children's access to information from a diversity of sources and protection from material injurious to their wellbeing

Using the example of the proposed Law on Amendments to the Primary and Secondary School Education Act (Article 27, Paragraph 7), which is currently undergoing public discussion, it is apparent that the State puts the emphasis on the parental right to make decisions about child care, favouring it over the children's right to access to information from a diversity of sources, access to scientifically sound information and right to quality education in general. Namely, this proposed amendment: 'If, according to the agency in charge of education and care, parts of between-subject and/or interdisciplinary topics and/or modules have a strong educational aspect capable of influencing personal development and attitudes, values and lifestyle choices that the child may adopt, that part of the curriculum will be defined as elective, with the option of setting up an alternative module for the elective part of the curriculum. Students and their parents may choose the module that reflects their approach to child rearing and their value system.' Given that there are no clear criteria to assess the content that might be described as educational, nor is there a clear, established and defined procedure for exceptions, such solution may lead not only to organizational chaos, but also to unnecessary segregation of children according to the beliefs of their parents that prevents them from accessing information on diversity in their society, which in the final count hinders their development and infringes upon their right to education.

- **How did the State allow the proposal of such a faulty and damaging amendment?**
- **How and when does the State plan to fulfil its obligation to set up a public school system that will ensure a comprehensive and free development of the child's personality?**

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

a. Family environment and parental guidance consistent with the evolving capacities of the child

Uneven regional coverage of even a small number of early intervention services, their fragmentation as well as the lack of parents' support services have serious consequences for the family environment and the way parents respond to the developmental needs of children with early development and pre-school age.

NGO Hrabri telefon conducted a survey with 500 respondents in Croatia during August 2017 with the goal to examine views on the use of corporal punishment in the family and in educational institutions, views on the legal prohibition of corporal punishment and frequency of corporal punishment and other correctional measures used by parents.

Some of the preliminary results show that 56% of all respondents think that there are situations where corporal punishment is justified - the awareness that corporal punishment is prohibited by law is still non-existent. 34% of all respondents believe that parents should not be prohibited from using corporal punishment in child rearing. A large number of respondents think that children cannot rely on the help of the child protection agencies and educational institutions at all or that they can do so only partially.

Corporal punishment is still used as a child-rearing method in many families and many parents do not know any better, although there is a high degree of public agreement that corporal punishment of children is inexcusable in all its forms.

- **What steps is the State taking to ensure necessary competences and support for parents to reduce the frequency of using corporal punishment as a child-rearing method?**
- **What should be done to make it easier for parents to come up with information about their children's services and to obtain sufficient support for their parenting challenges to a child with disabilities?**

b. Shared parental responsibilities, parental support and provision of child care services

Administrative issues with the existing Maternity and Parental Assistance Act are particularly detrimental to fathers, who lose their two non-transferrable months of parental leave to which they are entitled. If the mother is unemployed and the father is employed, he is not eligible for his part of the parental leave, which is a breach of the EU directive on the individual right of each employed parent to 4 months of parental leave (out of which at least one month has to be non-transferrable). Similarly, if the mother is employed and the father is unemployed, the father is not eligible for parental leave, which in our opinion is unacceptable.

Kindergartens are not accessible to all children, nor are their working hours adjusted to fit the needs of the working parents. Extended stay in school is not widely available, and even when it is, it is usually available only for children under the age of 8 or, in rarer instances, under the age of 9. Primary schools work in shifts and rent out their premises for commercial purposes, which prevents them from providing structured extracurricular activities for children.

The legislator stipulates a network of family centres within the social welfare system, for the purpose of providing family support services. However, the family centres are only operational on the county level in larger urban areas, which often makes them inaccessible to beneficiaries from rural or more remote parts of the county. Additionally, the network has not been completed yet and some counties lack family centres altogether (the family centres have been established in 19 out of 21 counties).

There is a pronounced lack of interdepartmental cooperation and coordination, which affects the fragmentation of existing services, reducing their efficacy and positive outcomes for children and making parents feel unsupported.

There is a big imbalance in co-funding and providing child care services among the local communities, leading to discrimination of children.

Another problem is the absence of family courts and lengthy court proceedings.

Information provided by the ministry of Demographics, Family, Youth and Social Policy shows that in 2015 as many as 1.500 children did not fulfil their right to visitation with the other parent or that this right was fulfilled to a lesser degree than specified in the court decision, due to the manipulative behaviour of the parent with whom the children reside. At the same time, 638 children were exposed to manipulation by the parents with whom they do not reside, during the visitations with that parent.

The existing level of protection of children faced with high-conflict divorces and out-of-wedlock separations is not satisfactory. Professionals working and making decisions in this area of child protection are overworked and few in number, do not receive proper training nor are they given systematic support. Decision making takes too long.

• **What specific steps is the State taking to bring the existing services in education, health, social welfare in line with the needs of families, parents and children, while placing the emphasis on the wellbeing of the child?**

- **When does the State plan to initiate the process of establishing family courts?**
- **What specific steps is the State taking to support greater participation of fathers in child care and household chores and what does it do to sensitize the general public to the need for equalization of gender roles of parents in this area?**
- **What steps is the State taking to remove bureaucratic barriers, to assist and encourage fathers to use their guaranteed parental leave?**

c. Seeking child support

There is a longstanding issue of overlong court proceedings regarding family and status matters. There are no sanctions in case the proceedings are not completed within the legally prescribed timeframe.

This leads to double discrimination of children who receive temporary support pursuant to the above law because: 1. they are only eligible for child support while they are underage and 2. the amount they receive is two times lower than the minimum that is set annually by the competent body.

- **Why did the legislator decide to discriminate against the children who receive temporary child support pursuant to the Temporary Child Support Act and why does it only approve the receipt of said support until they reach majority, even though the Family Act allows child support for children over the age of majority provided they meet certain conditions?**

How to sanction a judge who fails to respect the deadlines pursuant to Article 347 of the Family Act without endangering judicial autonomy?

d. Children deprived of family environment / without adequate parental care

For many years now, Croatia has suffered from the lack of continuity in the implementation of the social welfare reform, as can be seen in the DI process and transformation of institutions for children and young people without adequate parental care and for children and young people with behavioural disorders.

Although the reform relies on parallel processes of deinstitutionalization and decentralization and the development of prevention programmes and alternative services available in the local community, in practice there is an informal moratorium on placing children and young people in institutions on the one hand, and lack of prevention programmes and suitable alternative forms of care along with regionally uneven availability of existing services on the other.

The Social Welfare Act and the Family Act have been amended numerous times since 2010, largely due to political reasons and, in the case of the Family Act, rise of conservative ideologies. Constant changes in legislation negatively impact the legal security and existing professional practice, resulting in the lack of adequate care for children and young people.

Key issues remain in the absence of a systematic approach to finding a lasting solution in the best interest of the child who is separated from the biological family. There is no systematic record of every child entering the care system or systematic monitoring through numerous forms of one-way care or foster family in another.

According to the Ombudsperson for Children report for 2016, alternative care for children without adequate parental care is still suffering from: insufficient number of children in foster care due to a shortage of foster families, uneven territorial spread of foster families, absence of professional foster

care, absence of specialized and urban foster care, insufficient support for the foster carers, insufficient training for foster carers, failing to involve children in making decisions that affect them and irregular check-ups on children in foster care that should be carried out by the employees of the social welfare centres. The number of children in institutions and in organized living arrangements is still large.

Every year approximately 13.000 children in Croatia have a parent in prison. There is only one women's penitentiary in Croatia, located in Požega and isolated both geographically and in terms of easy access. This places their children in additionally difficult position, because female prisoners are often single parents of young children and such children suffer from broken family bonds more, even though the law allows them weekly visitations with parents.

- **What are the specific outcomes of measures and activities that the State has taken so far for the process of deinstitutionalization and transformation of social welfare institutions for children and young people without adequate parental care and for children and young people with behavioural disorders?**
- **When does the state plan to establish systematic child monitoring at risk of family segregation and mapping needs for a particular service (eg foster care), primarily directed at preventing institutionalization?**
- **When will the country adopt a new foster care law that will provide a legal framework for: standards of education, monitoring and support to foster families, foster care and specialized foster care standards, differentiation of foster care allowances and child's personal needs?**
- **When the Republic of Croatia plans to establish a unique database of all competent bodies, which will enable the monitoring of status of children in the Republic of Croatia guaranteed by the Convention on the Rights of the Child?**
- **Does the Government have a plan to realize the possibility of women serving long-term prison sentences in prisons and prisons, with the aim of facilitating close family ties?**
- **When will the recommendations of the Gender Equality Ombudsperson be implemented : 1) children visiting parents are not recommended to search and review, 2) allow longer telephone conversations with children, 3) ensure that judicial police do not wear uniforms, but civilian children clothing, 4) prolonging the duration of the visit, especially in situations where children travel far away or come to visit rarely?**

e. Adoption, domestic and intercountry

According to the Ministry for demographics, family, youth and social policy (MDFYSP) statistical data, only 78 children were adopted in 2017, which is the lowest number of children to be domestically adopted in the last 20 years. On average, each year around 500 children have all legal preconditions for adoption, but around 350 remain unadopted annually. At the same time, over 750 potential adopters are listed in the Adopters Register, which means that they have completed the Adopters Assessment and a mandatory 40-hour Pre/adoption training.

In 2016 the Ministry has developed a Protocol on Adoption Procedure that sets up a timeline of activities to ensure equal treatment of all children in finding families, with specific deadlines for each set of activities. Parallely, the Ministry has set up a protected website for publishing anonymous profiles of children ready for adoption, which for the first time allows the increased visibility of individual child and an active involvement of prospective adopters. With the change of government, these innovations were abandoned and currently there are less than 50 profiles published. There is no systematic or civilian oversight over all the children ready for adoption or monitoring of the activities the centers for social welfare are undertaking to find parents for each child.

- **How does the Government plan to establish a comprehensive monitoring system to ensure that each child, ready for adoption, is given equal and fair chance to find a family?**
- **Which consultation process is set up to ensure the participation of children in decision making about a family they would like to grow up with?**
- **Which financial and other incentives does the Government plan to introduce to promote adoption of multy sibling's children or other harder to place children?**

Although Croatia is a signatory to The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, there is no systematic oversight or procedure set up to ensure that adoption from non-Hague Convention countries are not result of child trafficking. Croatian courts confirm foreign adoption orders without understanding the stipulation of The Hague Convention nor their responsibility to establish that proper safeguards were followed to prevent the abduction, the sale of, or traffic in children. The Central Authority (Ministry for demography, family, youth and social policies) has no oversight or information about non- Hague Convention Adoptions.

- **Which measures does the Government plan to put in place to ensure national oversight over adoption of children originating from Non- Hague Adoption Convention countries and establish safeguards against child trafficking?**

f. Unlawful separation and detention of the child

The causes of the disappearance of children are due to different circumstances, requiring urgent treatment of experts from institutions of different roles (primarily police, social welfare, health, education and civil society organizations), excellent inter-departmental coordination and knowledge of a wide variety of regulations and procedures in order to effectively act in the direction of finding a child as soon as possible. However, the aforementioned practice criteria often do not follow due to the overload of experts on child protection issues and the complexity of phenomenology and the circumstances of each individual case of missing a child.

There is also a lack of adequate records and data harmonization between relevant bodies in this area, enabling them to monitor, analyse, and thus provide a basis for policy development and prevention and control of various forms of child disappearance and related risks (unlawful removal, child retention ...).

- **When does the Government of the Republic of Croatia plan to establish a modern database (database) as the basis for all professional actions aimed at preventing disappearances and timely protection and the child?**
- **What are the specific reasons why the Government of the Republic of Croatia does not accept proven good practices such as the "Amber Alert" system?**

g. Abuse and neglect, including physical and psychological recovery and social reintegration

The violence against and among children is widespread and corporal punishment as a child-rearing method is still tolerated. For instance, in the survey conducted by Parents' Association Korak po korak on a sample of app. 6000 participants, 17% of young persons stated that they would use corporal punishment once they became parents if the child deserved it. The fact that another 20% of young people do not have a clearly established position on this matter is worrying.

Systematic measures and approach are still missing.

- **Why are there still no ongoing campaigns aimed at raising the awareness of the general public, young people in particular, that violence against and among the children should not be tolerated and that violence as such should be shamed?**
- **Why is there still no systematic investment in the development of parental competences in general, especially in socially excluded groups and to prevent family separations, instead of the State relying on initiatives launched by the UNICEF and individual civil society organizations?**
- **Why is the unified database for the monitoring of incidents still missing, forcing us to rely on separate and fragmented information from the databases of each competent body (judiciary, health care, law enforcement, social welfare) and why is the monitoring data still not focused on the child victims?**
- **Why are there still no family centres in every town, why are there no mobile teams that could help with the prevention and building of parental capacities?**
- **Why do we still lack sufficient number of professionals who work on these issues in social welfare centres and in law enforcement?**
- **Why do we still lack training programmes and professionals with specialist training, which would enable better knowledge and understanding of regulations and better understanding of the principles of the Convention?**

DISABILITY, BASIC HEALTH AND WELFARE

a. Children with disabilities

For children with disabilities, and for children in general, early learning that precedes school learning is extremely important. For successful early learning and fulfilling the development potential of the child, additional support for the child and his or her natural environment is required and it should be provided by the early childhood intervention system. As the child grows and develops, his or her needs for service providers change as well: e.g., after receiving professional assistance within the family (usually between ages 0-3), the child moves on, first to kindergarten and later to school. Due to developmental difficulties, their skills and acquired knowledge are often more precarious so both the child and parents need ongoing support to maintain and strengthen results achieved by that point, despite necessary changes in service providers. The continuity is ensured by transitional support, which still hasn't been developed in our country.

Additionally, children with developmental disabilities of toddler and preschool age often need up-to-date documentation to exercise their rights (professional diagnoses and opinions) that they are unable to obtain due to long waiting lists and insufficient number of service providers that is not in line with the actual needs. This forces parents to make appointments with private practitioners, where they have to pay for the specialist diagnosis and opinion or they stand to lose their benefits.

The Ordinance on Primary and Secondary School Education of Children with Disabilities came into effect in 2015¹, but it still regulates the education of children with disabilities only partially. Out of three categories of children defined in the Education Act of 2008², the Ordinance only refers to one,

¹ Official Gazette, no. 24/15

² Official Gazette, no. 24/08

specifically to pupils with developmental disabilities. The rights of pupils with learning disabilities, behavioural disorders and emotional disorders or pupils whose disabilities are caused by child rearing and social, economic, cultural and language factors are not regulated by this ordinance.

Support to schools in implementing inclusion (defined in Croatian strategies as far back as in 2007³) is still being provided partially and in a time-limited manner, usually for the duration of a specific project. Good-quality, inclusive schools cannot function without systematic, ongoing support, especially when it comes to eliminating architectural barriers, training teachers in modern teaching methods that respond to the needs of both the gifted pupils and pupils with disabilities, ensuring cooperation and team work of school staff or ensuring cooperation between mobile teams, transforming special-needs schools and centres into support centres for regular schools and appointing educational support staff (teaching assistants and sign language interpreters).

The drafting of regulations for educational support staff is underway, but this process is missing a serious baseline analysis of the effect that partial measures implemented far have had, such as the work of teaching assistants. At the same time, regular schools in Croatia are establishing new special-needs classes (consisting of a handful of pupils) and hiring special education teachers for them, although these teachers were trained to support teachers and pupils in inclusive schools, which is basically a return to the practices from 20 years ago.

- **What steps does the State intend to take to ensure the development of new and plentiful services?**
- **How does the State monitor problems in the implementation of its regulations that the beneficiaries (and professionals) are faced with?**
- **In adopting legislation, to what extent are the lawmakers taking into account the rich experiences gained so far in the course of scientific and professional projects carried out with the funding from the EU, the State and the local community?**
- **What steps is the State taking to improve the communication between professionals (those who develop and provide services) and lawmakers who create legislation, and who are responsible for making the system work in the manner that will enhance the functionality and the cost-efficiency of the system?**
- **What steps will be taken to legally regulate inclusive education in Croatia, encompassing all the children who struggle with the education process, regardless of what caused their disability?**

b. Healthcare and medical services

Croatian infants do not receive the best possible care during childbirth. Many hospitals are severely understaffed, parents who live too far from the nearest hospital or who choose home birth are left to their own devices because the State refuses to increase midwives' scope to include community care and home births. Furthermore, the State has not opened an adequate number of university-level midwifery training programs to address the severe shortage of midwives; at the same time the State also does not allow the hospitals to employ university-level educated midwives despite enormous shortages.

³ National Strategy of the Equalization of Opportunities for Persons with Disabilities 2007 – 2015 (2007). Zagreb: Commission of the Government of the Republic of Croatia, Ministry of Family, Veterans' Affairs and Intergenerational Solidarity; National Action Plan for the Rights and Interests of Children 2006-2012 (2006). Zagreb: Government of the Republic of Croatia, MFVAIS.

- **When does the State plan on opening at least two more university-level programs to train midwives, with at least one of them located in Zagreb?**
- **What steps is the State taking to ensure that hospitals are opening up jobs for university educated midwives? What target ratio of university educated midwives to births does the State plan to meet, and when?**

Infants who are being cared for in the neonatal intensive care units (NICU) or other specialised, tertiary care centres are needlessly separated from their parents; parents are not allowed to remove them from incubators, touch or hold them; skin-to-skin care is limited, if offered at all, and access for parents is generally severely restricted. Parents who have to travel to the city where their child is hospitalised must bear transportation and accommodations costs themselves (e.g., they are not provided with accommodations in the hospital), which means that infants from less well-off families are even more isolated from their parents.

- **What steps is the State taking to improve parents' access to infants in the NICU and other intensive care units, including skin-to-skin care?**
- **In what timeframe does the State plan on ending separation of parents and hospitalised infants? How will the cost of accommodations and travel be planned to make sure all parents have equal ability to be with their hospitalised infants?**

A human milk bank has not been established in Croatia as of yet, and as a result, premature and sick infants do not have access to donor milk. Hospitals have very varying, non-evidence based regulations for the use of the milk expressed by mothers.

- **What steps is the State taking to make donated human milk available to premature and sick infants? When will a human milk bank be opened and has the funding been secured?**
- **What steps is the State taking to make transparent, evidence-based regulations for a child to receive its mother's expressed milk in intensive care units?**

Systems to transport infants who are sick or born prematurely to tertiary-level hospitals are not adequate and Croatia's infant mortality rate is higher than the EU average as a result. As a result, in some parts of Croatia, the infant mortality rate is double the rate of the other parts of the country.

- **What steps is the State taking to implement effective and responsive guidelines and infrastructure to transport sick or premature infants to hospitals that can handle their complex medical needs?**

Outdated medical practices, disrespect, abuse and violence during pregnancy and childbirth lead to many children being harmed during this very sensitive period, often with long-term side effects.

- **What steps is the State taking to ensure that disrespectful and abusive care during pregnancy and childbirth is reported and eliminated in all maternity units?**
- **What steps is the State taking to ensure that children who require additional services and treatment (e.g. specialist care, physiotherapy) get it on time?**

Children with illnesses that cannot be treated in Croatia (due to lack of expertise or facilities) face barriers to receiving treatments abroad that are covered by Croatian Health Insurance Fund (HZZO). Families of children who require expensive treatments and drugs that are not on the list covered by HZZO must pay for these out-of-pocket, effectively denying their children treatment options.

- **What steps has the State taken to simplify the process for requesting Croatian Health Insurance Fund (HZZO) coverage for treatments abroad in cases when these are not available in Croatia? What steps is the State taking to make this process transparent?**

Available and effective paediatric palliative care is beneficial to children who need it, their parents and their siblings. It has long-term implications for family functioning, mental health, education and employment. Croatia does not have any systems of paediatric palliative care in place.

- **What steps is the State taking to implement available and effective paediatric palliative care systems? What funding will be made available for these systems?**

In Croatia, many paediatric units do not allow parents to stay with their hospitalised children 24 hours a day. In situations where children are able to have their parents with them overnight, parents have to pay for this service, and children are discriminated against based on the type of illness they have (e.g., children with malignant diseases are allowed to have a parent with them in hospital, children with other illnesses are not). This is traumatic for hospitalised children, it affects their physical and mental health and has been shown to increase the length of their hospital stay. Furthermore, children over 5 years of age requiring hospital treatment are discriminated against because their parents are unable to take sick leave from work for a child that is older than 5; this is detrimental to healthy outcomes.

- **What steps is the State taking to ensure that children have the option of having a parent stay with them in hospital, free of charge?**
- **What steps is the State taking to ensure that all parents of hospitalised children can take sick leave to be with their children, and what funding will be available to cover their expenses?**

Currently, the Croatian healthcare system lacks at least 47 paediatric teams (physician and nurse). This problem is especially pronounced in certain geographic regions. Due to this shortage, some children are forced away from the paediatric care and into the care of a general practitioner at a young age (most often when they are app. 7 years old); in other cases, the existing paediatricians are overwhelmed with patients and access to compromised care is limited. Mental health care and prevention for children and youth is sporadic and difficult to access.

- **What steps is the State taking to address the shortage of paediatric teams?**
- **What steps is the State taking to ensure that all children have access to high-quality healthcare?**
- **What steps is the State taking to ensure that children and youth have access to timely specialist care (including dental)?**

- **What steps is the State taking to ensure that all children and youth have access to high-quality mental healthcare?**
- **What steps is the State taking to increase the number of paediatric outpatient (day) surgeries?**

Sexual and reproductive health is taught in elementary and secondary schools, with two hours per year allocated to sexual and gender equality and responsible sexual behaviour. Some teachers refuse to teach students about responsible sexual behaviour, the use of contraceptives, and gender equality. In 2009, the European Committee of Social Rights (ECSR) found that Croatia has violated its obligation to protect the right to health free from discrimination as a result of its failure to provide comprehensive and inclusive sexual and reproductive health education in its schools. This was reiterated by CEDAW in 2015, and the Special Rapporteur for the Right to Health in 2017.

- **What steps is the State taking to implement compulsory comprehensive sexual health education in elementary and secondary schools?**
- **What steps is the State taking to train and educate teachers on sexual education?**
- **What steps is the State taking to ensure the curriculum on sexual education is objective evidence-based, non-discriminatory and non-judgmental?**

Educational curriculum and school textbooks also persist in sex and gender stereotyping, and in depicting only one type of family, which does not reflect families in the Croatian society.

- **What steps is the State taking to make the school curriculum and textbooks reflect the diversity of Croatian families? What measures is the State taking in terms of training teachers, school principals and associated professionals to work with structurally diverse families and with children who live in such families (single parent families, adoptive families, rainbow families)?**
- **What steps is the State taking to ensure that school curriculum and textbooks do not discriminate or stereotype based on gender, religion, race, sexual orientation or ideological stance?**

c. Living standard

The results of the recent study conducted by the Zagreb Institute of Economics, *Child Poverty and Household Coping in Croatia (2017)*⁴, indicate that Croatia is one of the poorest EU countries. Furthermore, there is a 71% probability for a child that was poor in 2010 to remain poor in 2013, regardless of what happened in the intervening two years, which points to the problem of long-term child poverty in the Republic of Croatia.

School children in Croatia have schedules that vary from day to day depending on the number of subjects they have that day; in most cases, their lessons last from 4-6 hours, meaning they finish school much earlier than their parents finish work. Not all schools have after-school programmes (and before-

⁴ http://www.eizg.hr/userdocsimages//projekti/zavrzeni/Child_poverty_eng.pdf

school programmes in the case of children attending the afternoon school shift), and a large number of children do not have adequate supervision and care in the afternoon hours.

- **Does the State have a plan to require schools to secure after (and before) school programmes for children? What funding does the State plan for these programmes, and how will it work to make sure that children throughout Croatia have equal access to these programmes?**

School meals are available in the majority of Croatian schools. However, these meals vary widely in nutritional quality and price. Pupils who cannot afford school meals often go hungry. There are no regulations on fast food venues being opened near schools, and pupils often eat at such venues.

- **What steps is the State taking to ensure that all pupils receive high-quality, affordable or free school meals?**
- **What steps is the State taking to ensure that fast food venues are prohibited near schools?**

Legislation prohibits the sale of fireworks, alcohol and cigarettes to children under 18 years of age; however, in practice it is possible for children under 18 years of age to purchase these items. At the same time, rates of alcohol and tobacco consumption are higher in Croatia than in other EU countries. Furthermore, potentially harmful substances like energy drinks are freely available to children without any warnings or prohibitions of sale.

- **What provisions does the State plan on enforcing to ensure that legislation banning the sale of fireworks, alcohol and tobacco is implemented in practice?**
- **How does the State plan on protecting children from harmful energy drinks? Does the State plan on legislating a ban on the sale of energy drinks to children under 18 years of age?**
- **What provisions does the State plan on implementing to limit advertising of alcohol and energy drinks?**
- **Within the framework of existing public policies, what specific activities and measures is the State taking to reduce child poverty in a planned and structured manner, especially for children from families experiencing long-term poverty?**

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

a. Education, including vocational training and guidance

In the school year 2016/2017, the data from Croatian Bureau of Statistics⁵ show that there were 1.375 fewer first-graders than in the previous year. Although the official data from the current school year are not available yet, the unofficial data from June collected by the web portal www.gradonacelnik.hr show that in school year 2017/2018, Croatia had 2.139 first-graders fewer than in the previous year.

- **What demographic measures is the Republic of Croatia taking to improve the demographic situation in certain Croatian regions?**

An increasing number of children in Croatia is suffering from anxiety and depression, students are extremely unhappy with school and overworked. Additionally, schools do not offer systematic social and emotional learning, mental health care has been reduced to a bare minimum and it depends on the good will of the school / principal, and on the expertise and competences of the staff. We see that a great deal of effort is being invested into the development of STEM, especially through introduction of computer science, but we do not see any systematic care for the development of personal and social skills of school students.

- **What measures does the Croatian government plan to take to improve activities designed to maintain the mental health of school students and teach them social and emotional skills?**

Research shows that children in Croatia have very poor political literacy, they hold radical views etc.

- **When and how does the Croatian government plan to introduce citizenship education as a mandatory subject in primary and secondary schools?**

According to PISA 2015 results⁶, basic skills among Croatian students have declined and are below the EU average (Croatia recorded one of the worst results in the EU in science and mathematics). There are differences in performance linked to socioeconomic status, but the quality of the curriculum and teaching appear to be the main driver of Croatia's poor performance. Nearly 45 % of pupils from the lowest socioeconomic quartile fail to achieve the basic level of proficiency in mathematics, compared to only 15 % from the top quartile. A similar performance gap is seen in science and reading skills.

- **How will the Croatian government ensure better quality education for teachers-to-be, increase the interest in the teaching profession and work on the ongoing professional development of teachers?**

Implementation of the educational reform is under heavy political pressure and in the past two years the focus has shifted completely from the child as the most important participant in the educational process to politics. As a result, the importance of comprehensive child development is increasingly being set aside in favour of political interests.

⁵ <https://www.dzs.hr/>

⁶ https://ec.europa.eu/education/sites/education/files/monitor2017-hr_en.pdf

- **How will the Croatian government ensure the depoliticization of the process that is at this point extremely contaminated?**
- **How will the Croatian government return the focus on the school students and their wellbeing?**

The rate of participation in early and preschool education is among the lowest in EU. Croatia has a big problem with the coverage of children in nurseries and kindergartens, especially in terms of big regional differences that have not been reduced at all⁷. In addition to insufficient capacity, another obstacle to children entering the preschool programmes is the price of this service and a requirement that reduces the chances of kindergarten enrolment for children with at least one unemployed parent. Although preschool is mandatory, not all children are covered and in some settings/schools the hours devoted to preschool programme are minimal.⁸

- **What specific steps is the State taking to ensure all children in Croatia can attend nurseries and kindergartens?**

b. Rest, play, leisure and cultural and artistic activities

In many local communities, children do not have the space to socialize and implement leisure content in the program. Children's programs are charged and are not available to everyone. Free programs are offered in schools as extracurricular activities, but this offer is modest, especially in smaller places and on the islands. There is no systematic monitoring of the health of children engaged in sports and recreation, they often train at night hours, the work of all trainers and sports workers is not licensed. Children with disabilities are offered very modest activities in their free time.

SPECIAL PROTECTION MEASURES

a. Children in emergencies

In our opinion, events in 2017 have shown that the system of transnational protection has become inaccessible to many refugees, including children. In a short period between February 2 and February 22, 2018, NGO Are You Syrious has reported the expulsions of 73 persons who gave written statements about their intention to request transnational protection from the Republic of Croatia to AYS. This included at least 34 children, among them 2 infants, several children with disabilities, a significant number of sick children and at least two heavily pregnant women. Expulsions do not take place just along the state border, but also deep in the country's interior, including police stations across the country. For example, on November 21, 2017, a six-year-old girl from Afghanistan, Madina Hussein, was fatally hit by a train during the night.

There are unexplained denials of transnational protection based on the opinion of the Security and Intelligence Agency (SOA), including requests of protection for children.

⁷ Matković and Dobrotić, 2013; Dobrotić, 2013, Stubbs and Zrinščak, 2015b

⁸ *Child Poverty and Household Coping Strategies in Croatia*. Paul Stubbs, Marko Ledić, Ivica Rubil, Siniša Zrinščak. EIZG and Zaklada Adris.

The wait for the decision to be issued takes at least a year. Such a long wait has an extremely detrimental effect on the psychological and physical state of the applicants, including children and parents/guardians. As a consequence- families/children are leaving the shelters, going with smugglers or “voluntarily” returning to their unsafe countries or to Western European countries.

We have identified the following detrimental policies and practices in the area of unaccompanied children:

- Detrimental placement of children in correctional homes for children and young people, reformatories and the Detention Centre Ježevo.
- Lack of coordination between the data from competent institutions – the data from the Ministry of Interior and Ministry of Demographics, Family, Youth and Social Policy on unaccompanied children from January 2017 are completely uncoordinated and they allow the children to disappear even after they have been entered into the system
- Welfare homes where the children are placed and competent social welfare centres are unwilling to investigate situations of individual children and to protect the best interests of these children.

Children asylum seekers under subsidiary protection are legally entitled to healthcare just like other Croatian citizens, but they are not covered by the Croatian Health Insurance Fund – such parallel solutions create situations where physicians don't know what to do; for example, they refuse to vaccinate refugee children. We also see examples of segregation on all levels within the healthcare system for children and adult asylum seekers, from physical segregation to segregation during the provision of medical services. Dugave Community Health Centre in Zagreb is one such example.

According to the CULT Committee Report Croatia has not prepared comprehensive educational policies targeting immigrant children, other than language courses (consisting of 70 hours). According to Centre for Peace Studies and GOOD Initiative's Policy Brief published in June 2017 the main issues are as follows: Inclusion in educational institutions with delay for 3 and more months, the preparatory and supplementary classes are delayed, there are no textbooks, there is no secured local transportation for children, there is no professional development and additional teacher training programs.

AYS has noted several cases in which children complained of mockery and exclusion by other children, and one extremely serious case of peer violence in one elementary school in Zagreb.

Additionally, structural gaps, such as not giving children personal identification numbers, prevents child refugees from having equal access to education. AYS has reported that in school year 2017/2018 five children of secondary school age from the Zagreb Reception Centre Porin did not attend any educational programmes.

- **What steps is the Croatian government taking to investigate and prevent illegal expulsions of child refugees and their families who want to seek transnational protection in Croatia, and to protect their physical safety?**
 - **What steps is the Croatian government taking to ensure guaranteed right of access to the system of transnational protection to unaccompanied children and their families?**
- **What steps are being taken to reduce the waiting time for an official decision?**

- **What steps is the Croatian government taking to investigate a situation reported by OCD, about children who have been denied protection by the Ministry of Interior on the basis of unexplained opinions of the Security and Intelligence Agency?**
- **How does the Croatian government ensure that in situations where requests for transnational protection of children have been denied, the best interest, wellbeing and safety of the child is protected?**
- **What steps did the Croatian government take to protect children and families of refugees from going across the border with smugglers?**
- **What does the Croatian government intend to do about the practice of inappropriate placements of unaccompanied children?**
- **What steps will the Croatian government take and what steps has it already taken to investigate disappearances or escapes children from the institutions where they had been placed?**
- **What steps will the Croatian government take and what steps has it already taken to address the uncoordinated data on unaccompanied children in Croatia?**
- **What does the Croatian government intend to do to address segregated services in healthcare for children asylum seekers?**
- **What does the Croatian government intend to do to address the inability of children who have been given transnational protection to exercise their right to healthcare, given their unequal status in terms of health insurance?**
- **What does the Croatian government intend to do given the ongoing, strong need for support of educational professionals and institutions working with child refugees?**
- **What does the Croatian government intend to do to address the violation of the legal obligation to ensure right to education for certain number of child refugees who are not covered by the educational system (older minors)?**

The experience with the refugee crisis has shown that institutions do not have a response for situations of feeding small children in crisis situations. Instead, everything depends on the readiness and capacities of humanitarian organizations. The support for pregnant and breastfeeding women and provision of food for small children in refugee crisis was mostly left to domestic and foreign humanitarian organizations.

- **When does the Ministry of Healthcare plan to adopt the operational plan for the provision of appropriate food for small children in emergencies, which would also encompass protection and support of breastfeeding and purchase of the RUIF formulae for babies who cannot be breastfed?**

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Implementation of the legal protection of minors

Special guardians of the children are not sufficiently trained for working with children, nor do they have easy geographical access to every court; for example, a special guardian has to travel from Split to see children in Dubrovnik.

Authorized representatives of plaintiffs appointed by the court to represent the interests of the child plaintiffs are not fully trained to work with the children, so they do not respect all the children's rights.

Child plaintiffs are interrogated repeatedly in court proceedings, although the law states explicitly that they can only be interrogated more than once in exceptional situations. The proceedings are not expeditious and may take more than ten years in some cases.

Alternative measures such as juvenile diversion have been introduced in Croatian legislation years ago, but experts still show lack of understanding when it comes to issuing alternative measures. Diversion measures are issued in communities and are more often applied in urban settings, while they are less available in suburbs and rural areas. They are also mostly used for less serious offences. However, they are mostly implemented by NGOs, without systematic support at the state level.

Consistent implementation of the programme of education of all involved stakeholders (law enforcement officers, welfare professionals, juveniles and parents at the state level) is still missing.

c. Children deprived of freedom

Annually, from two to eight children live with their incarcerated mothers at Požega Penitentiary from infancy to three years of age. Even more children are born to mothers awaiting incarceration, who later are not allowed to live with their mothers once they begin serving their prison sentence (although this arrangement is in their best interest). Children who live in the penitentiary do not have optimal access for socialisation and contact with family members outside the penitentiary as a result of strict legal restrictions, lack of coordination between the judiciary and social welfare systems and a general lack of harmonised legislation and practices.

• **Why are the children who live with their mothers in the Požega Penitentiary confined to the prison and allowed leave exclusively to attend nursery or doctor's appointments without the possibility of visiting family members outside of the penitentiary, trips to town, even in cases when their mother can? When will the State provide child care by a professional educator while incarcerated mothers are working, attending hearings etc.?**

• **Does the State plan to change legal provisions so that a mother who is awaiting her call to serve her prison sentence is able to take her young child (under the age of 3) with her in situations when this is in the best interest of the child? When is this change in practice planned? How many children aged 0 to 3 years old have a parent who is serving a prison sentence and do social welfare centres assess whether the child is receiving quality care while their parent is incarcerated?**

- **Why didn't the Minister of Justice pass an enforcement regulation pursuant to Article 125, Paragraph 2 of the Juvenile Courts Act/11 to allow the detention of juveniles in a closed reformatory and why are the children in custody pending trial actually held in adult detention facilities?**
- **Why are children in reformatories and correctional institutions placed in large groups, although the Law on Enforcement of Sanctions Imposed on Juveniles for Criminal Offences and Misdemeanours states that referrals to correctional institutions, reformatories and juvenile detention facility are to be executed in small groups according to the age of the juveniles?**
- **Why is the juvenile detention facility located in the middle of the adult prison in Požega? Are children and young adults the most dangerous prisoners?**

d. Sexual exploitation and abuse

Sporadic training is provided to law enforcement officers, welfare professionals and judiciary members as well as child care professionals, but it is not systematic and very often not even nation-wide.

The most pressing topic for social workers is their own protection and need for support. They are exposed to extremely stressful situations in their everyday work. They express need for constant supervision and training programmes that would give them competences to prevent and manage stress. Child protection largely relies on the combination of the social workers' deep knowledge of laws and procedures on one hand and highly developed skills in working with people and counselling.⁹

Every system has a database of family violence victims (social welfare/law enforcement), but the databases are not coordinated or connected, so the data are not aligned.

National services are not systematically funded by the state (such as the children's helpline 116111, which is funded by grants from related ministries, local government and the business sector!).

There is only one place where child victims of abuse can get expert multidisciplinary help (Zagreb Child and Youth Protection Centre).

- **Why not open an agency for the protection of children from all forms of violence that would serve as a coordination body and run the database at the same time?**
- **Existing campaigns for the protection of children from violence (e.g. One in Five) are not implemented nationally, why is that?**

⁹ *Baseline Study for the Mapping of Child Protection Practices and Related Staffing Needs in Southeast Europe*, 2016, Hrabri telefon.