



**REPUBLIC OF CROATIA
OMBUDSPERSON FOR CHILDREN**

DPR –910-04/10-026/2

Zagreb, 1 September 2010

**Office of the High
Commissioner for Human Rights**
Palais des Nations CH-1211
Switzerland
to the attention of Ms. Dima Yared
childrenstudy@ohchr.org

Dear Madam,

In response to the enquiry by the Special Representative to the Secretary-General on violence against children and Special Rapporteur on the sale of children child prostitution and child pornography, we are providing the requested information as follows:

A. Name and date of creation : *Republic of Croatia Ombudsperson for Children (17.7. 2003.)*

B. Status of the institution (to tick)

Separate and autonomous institution, established by law, with reference to the Convention on the Rights of the Child

C. Mandate and Competences

➤ **Which general principles are contained in the mandate of the institution?
Which laws? Which treaties?,**

Convention on the Rights of the Child, Constitution, The Act on the Ombudsperson for Children (entered into force in June 2003).

○ **Affirmation of the principle of independence?**

Ombudsperson act independently and autonomously, adhering to the principles of equity and morals, and no one may instruct or order him or her in his or her work.

○ **Best interests of the child?**

The best interest of the child is the guiding principle behind the Ombudsperson's work and actions. The Ombudsperson pledges himself or herself to this principle, amongst other things, in the oath taken before the Croatian Parliament on the occasion of his or her appointment.

The oath reads as follows: "I herewith swear that in my work I will adhere to the Constitution and the regulations, respect the legal order of the Republic of Croatia and perform my duty justly, honorably, conscientiously and objectively in the best interest of children."

○ **What is its overall mission?**

Protecting, monitoring and promoting the rights and interests of children. The Ombudsperson for Children:

- *monitors the coordination of the laws and other regulations in the Republic of Croatia, concerned with the protection of the rights and interests of children, with the provisions of the Constitution of the Republic of Croatia, of the Convention on the Rights of the Child, and other international documents concerned with the protection of the rights and interests of children*
- *monitors the fulfilment of the obligations of the Republic of Croatia arising from the Convention on the Rights of the Child and other international documents concerned with the protection of the rights and interests of children,*
- *monitors the implementation of all regulations concerned with the protection of the rights and interests of children*
- *monitors the violation of individual rights of children and studies general occurrences and manners of violation of the rights and interests of children,*
- *makes efforts towards protection and promotion of the rights and interests of disabled children,*
- *proposes undertaking of measures intended for the creation of the coherent system of protection and promotion of the rights and interests of children and for the prevention of harmful activities jeopardizing the rights and interests of children and informs the public on the state of the children's rights.*

➤ **Which powers has it been attributed?**

The Act does not mention any power to consider individual complaints and petitions and carry out investigations, but it provides that the Ombudsperson:

-has the right to enter the premises and gain insight into the manner of providing care for children who are staying or have been temporarily or permanently accommodated with natural and legal persons and other legal entities on the basis of special regulations;

-the Ombudsperson can seek expert assistance from scholars and professionals and from scientific and expert institutions whose scope of work includes research, protection, care, development and rights of children, and these are obliged to provide assistance for the Ombudsperson;

-the institutions are obliged to provide the Ombudsperson for Children with the requested assistance within an adequate time limit.

- **Jurisdiction: public sector/private sector?**

Ombudsperson has jurisdiction in public and private sector. State administration bodies, local and regional self-government units, and legal and natural persons are obliged to cooperate with the Ombudsperson, submit reports on his or her request, provide access and opportunity to inspect all data, information and legal acts relating to the rights and protection of children, regardless of their degree of confidentiality.

- **Powers of investigation:**

- **Referral powers different than those for adults? Can it take up cases as of right?**

Ombudsperson does not have power to consider individual complaints and petitions and carry out investigation. Ombudsperson monitors the violation of individual rights of children and studies general occurrences and manners of violation of the rights and interests of children. While performing the activities from the scope of his/her competence, the Ombudsman for Children is authorized to warn, give proposals and give recommendations. Ombudsperson is authorized to propose the realization of the measures intended for the prevention of the harmful activities jeopardizing the rights and interests of children to the competent state administration bodies, local and regional administration bodies, and to the corporation and natural persons, and to demand the reports on performed measure.

- **Visit places for children without need for prior authorization (detention centres, schools, hospitals, workplaces, children's centres, etc.)**

Ombudsperson has the right to enter the premises and gain insight into the manner of providing care for children who are staying or have been temporarily or permanently accommodated with natural and legal persons and other legal entities on the basis of special regulations.

- **Obligation for other actors to provide documentation and/or testimony upon request?**

State administration bodies, local and regional self-government units, and legal and natural persons are obliged to cooperate with the Ombudsperson, submit reports on his or her request, provide access and opportunity to inspect all data, information and legal acts relating to the rights and protection of children, regardless of their degree of confidentiality.

- **Possibility for the institution to refer a case to the courts?**

There is no possibility of supporting children taking cases to court or any powers associated with this. If the Ombudsperson for Children, during the performance of his or her duties, obtains knowledge that a child is being subject to physical or mental violence, sexual abuse, maltreatment or exploitation, negligence or careless treatment, he or she shall immediately file a report with the competent Public Prosecution Office, and inform the competent centre

for social welfare and propose measures for the protection of the rights and interests of the child;

From the Ombudsperson for Children Act it cannot be conclusively inferred that the Public Prosecution Office (PPO) is obliged to submit any reports to the Ombudsperson for Children, like all other institutions. There is no possibility of influencing courts or participating in court proceedings. Courts enjoy full independence, pursuant to the Croatian Constitution.

- **Advice and recommendations on laws and policies:**

When the Ombudsman for Children, while monitoring the situation within the competence of his/her work, considers it necessary, he/she can give impetus for the adoption or change of the laws and other regulations concerned with the rights and protection of children.

- **Possibility for the institution to make recommendations regarding the adoption of or amendments to laws, in particular with respect to the right to effective protection from violence and sexual exploitation?**

See above

- **Possibility for the institution to provide advice on draft laws in order to ensure conformity with the Convention on the Rights of the Child, in particular with respect to the right to effective protection from violence and sexual exploitation?**

The Ombudsman for Children may take part in the procedure of the preparation of the draft proposals of the regulations concerned with the rights of children or those regulating important issues for children such as violence and sexual exploitation. On the initiative of the Ombudsperson for Children, the statute of limitations for instituting and conducting criminal proceedings in the cases involving sexual offences against children are now linked to the child reaching the age of majority, i.e. it starts running once the child turns 18. The Ombudsperson for Children has, for many years, been raising awareness about the necessity to introduce legislative changes in order to improve the position of child victims and witnesses in criminal proceedings. Inappropriate conduct of police staff when interrogating child victims or witnesses, the length of court proceedings, the exposure of children to multiple interrogations, failure to provide quality assistance and support to children, and court facilities which are inadequate for the needs of children may be very stressful for children. The Ombudsperson's proposals and initiatives were directed towards creating conditions for improving the position of children in court proceedings, in particular, by creating a "child-friendly" environment, organising a comprehensive protection and support service, i.e. a witness and victim support service, and amending the criminal legislation to improve the protection of children harmed by a criminal offence. Specifically, it was proposed to sanction certain forms of sexual exploitation of children which are currently not provided for by the Act, to introduce new security measures, to set up a single database on convicted perpetrators of sexual offences against children, to increase the availability of criminal records data relating to persons convicted by a res judicata decision in order to reinforce the control and verification of persons working directly with children or those to whose custody

and care children are placed (adopters, foster parents, guardians), and to significantly prolong rehabilitation periods after which a conviction is considered spent. A proposal was also made to the competent ministry to establish a support and assistance system for child victims and witnesses, to standardise procedures for interrogating children, and to ensure conditions for efficient work of expert court advisers. With a view to protecting children from sexual exploitation and abuse, it was proposed to raise the age of consent at which a child may consent to have a sexual intercourse, and amendments to the Social Welfare Act were proposed in order to prevent employment of persons convicted of committing sexual offences by a res judicata decision in the social welfare system.

○ Responsibility to promote child participation and taking children's views into account in all matters affecting them?

Ombudsperson informs and advises children on the manner of the realisation and protection of their rights and interests, co-operates with children, encourages children to express their views and respects their opinion, initiates and participates in public activities aimed at improving the position of children, and proposes measures to increase the influence of children in society.

○ Responsibility to promote human rights/child rights education?

The Ombudsman for Children informs and advises children on the manner of the realization and protection of their rights and interests. The Ombudsman for Children cooperates with children, encourages children to declare themselves and respects their opinion, initiates and participates in public activities oriented towards improvement of the position of children and proposes measures for the enhancement of the influence of children in the society.

○ Advice provided to children directly?

The Ombudsman for Children informs and advises children on the manner of the realization and protection of their rights and interests. The Central Office as well as regional offices are open for children at any time during working hours. Beside personal and phone contact, we have e-mail address which is intended to be used only by children (mojglas@dijete.hr) and we could be reached through our web page (www.dijete.hr).

➤ Is a system/mechanism of individual complaints established and operational within the institution?

Everyone is entitled to the right to submit a proposal concerning the protection of the rights and interests of children for consideration to the Ombudsman for Children. Ombudsperson monitors the violation of individual rights of children and studies general occurrences and manners of violation of the rights and interests of children. While performing the activities from the scope of his/her competence, the Ombudsman for Children is authorized to warn, give proposals and give recommendations. Ombudsperson is authorized to propose the realization of the measures intended for the prevention of the harmful activities jeopardizing the rights and interests of children to the competent state administration bodies, local and

regional administration bodies, and to the corporation and natural persons, and to demand the reports on performed measure.

In 2009, 2,217 new cases were opened, 1,050 on the basis of complaints of individual violations of children's rights and 1,167 on the basis of general initiatives launched by the Ombudsperson for Children. Individual complaints received in 2009 concerned 1,930 children. Along with 1,050 new cases involving individual violations of children's rights, we also continued to work on 747 cases carried over from previous years, which means that a total of 1,797 individual cases were dealt with during 2009.

D. Level of intervention (to tick)

- Regional
- National
- Local
- Between local and national

E. Functioning of the institution

➤ **How is the head of the agency appointed?**

The Ombudsperson is appointed/dismissed by the Croatian Parliament at the proposal of the Government of the Republic of Croatia.

- Which authorities are involved in the process? What is the role of civil society in such a process? Child participation?**

Following a public invitation, the Government of the Republic of Croatia proposes a candidate for the office of the Ombudsperson for Children to the Croatian Parliament.

- Conditions of eligibility? (age, functions, competencies)**

The person appointed as the Ombudsperson must be a Croatian national with a university degree and at least 10 years of work experience, whose personal commitment in the field of the promotion and protection of children's rights is well-known to the public. The currently operating Children's Ombudsperson is Mila Jelavić. The Croatian National Parliament has at its 19th session held on 31 March 2006 appointed Mila Jelavić the Ombudsperson for Children. She holds a Bachelor Degree in Law and records 23 years of service, with entire work to date dealing with the protection of child and family rights, as well the rights of persons deprived of the capacity to act.

- Conflicts of interest?**

The ombudsperson and his or her deputies must not be members of any political party or take part in political activities

- Conditions of resignation?**

Premature termination of the mandate of the Ombudsperson and her Deputy: on personal request, the loss of Croatian citizenship, permanent loss of the duty performance ability, valid

sentence for the criminal offence, or nonacceptance of the annual report about performed work, or illegal, untimely or unprofessional performance of his/her duty

How is the staff selected?

The procedure for recruiting the staff and their status is regulated by the Office's internal legal acts (Rules of Procedure of the Ombudsperson for Children and the Regulations on Internal Organisation of the Ombudsperson for Children), in line with the Civil Servants Act. Pursuant to the Civil Servants Act, vacant posts may be filled by means of public vacancy competitions. Prior to release of a public vacancy announcement for admission, a vacant post may be filled from among the ranks of civil servants by an internal vacancy announcement or transfer. The Civil Servants Acts regulates civil service admission procedure, general conditions for admission (while the internal acts of the institution regulate special conditions for admission), bars to admission, trial period, the evaluation, etc.) All members of the staff so far were hired solely by means of public vacancy competitions, they all successfully passed the testing procedure to verify their professional ability, expertise, and work experience required for their posts within the office, received satisfactory evaluation in mandatory trial work and successfully passed the required civil service examinations. The staffs are an example of a multidisciplinary team, representing a group of professionals from diverse disciplines and years of experience.

- **Child rights specialists?**
- **Lawyers? Psychologists? Social Workers?**

Staffs consist of people with background in law, psychology, social and human sciences, media and information, financial matters and office management (8 legal adviser, 2 psychologists, 1 social worker, 2 special educators, 2 educators)

- **Full time or part time staff?**

Full time staff

- **If there is a complaints mechanism within the institution, how is its budget allocated?**
- **Portion of the overall budget of the institution?**

The resources for the work are provided from the State Budget. There are no provisions guaranteeing the minimum level of budgetary allocations.

The Children's Ombudsperson 2009 budget amounts to HRK 5,714,232.00 (approximately EUR 783,000.00) 0.0043% of the State Budget. Children's Ombudsperson controls and manages its own budget, within the guidelines of the financial plan. Children's Ombudsperson is in general financially independent as to how its budget is spent, but is subject to the budget supervision of the Ministry of Finance, ensuring the fiscal discipline, efficient management of public funds, based on strategic planning and macroeconomic stability.

- **Budget for a hotline?**

There is no special budget for hotline.

- **Allocated by the Executive? By Parliament?**

By Parliament

- **Possibility to raise funds from other sources? (eg. private sector, international organizations, NGOs, etc)**

There is a possibility of using funds from other sources, but this possibility has not been used so far.

F. Participation of civil society and of children in the functioning of the complaints mechanism

- **Specific system for child participation? Representation of children within the institution? If so, of what nature? Representation of girls or of children in difficult circumstances?**

Since the Office has been established we used to have consultations with different target groups of children (depending on topic, kind of expert groups), but recently we have established a Youth Advisory Panel as a permanent structure. YAP is a group of 20 (at the moment) up to maximum of 35 young people. The requirements for membership are: motivation and voluntary participation, members are between 13 and 18 years old, gender balance is respected, social and educational background are various, children who live in Care Homes, children with disabilities, national minorities (children in difficult circumstances) are supposed to be represented, various regions of Croatia, as well as urban/rural areas are represented.

The roles of this structure are: involvement in the development of the Ombudsman's policies, programs and activities across the areas of its mandate that will have greater appreciation and understanding on youth issues; information exchange about problems, best practices and lessons learned that are experienced by the YAP members; intensify YAP networks with other YAPs and youth groups in the global arena.

- **Mechanism of coordination/advice involving civil society?**

Holding regular annual meetings with the Co-ordinating Committee of Associations for Children, co-operating with and including representatives of the civil society in public activities organised by the Office of the Ombudsperson for Children, and offering public support for particular civil society activities aimed at protecting and enforcing children's rights.

- **What is the nature of cooperation between the institution and civil society organizations? Possibility of signing agreements?**

The Law does not contain any provisions on co-operation with non-governmental organizations. But, as non-governmental organizations play a vital role in promotion of human rights and children's rights, the office has numerous and close contacts and joint activities governmental organizations. The co-operation between the Ombudsperson for Children and other institutions, bodies, NGOs, expert associations and individuals is an exceptionally important part of the work of the Office, with the aim of building a

comprehensive system for protecting and promoting the rights and interests of children and preventing harmful acts which may put them at risk. It would be impossible to make progress in this area without the active participation of all members of society whose aim is to safeguard the rights, interests and welfare of children. We would particularly like to mention the excellent co-operation with the Croatian Bar Association, the Croatian Chamber of Psychology and the Psychology Department of the Faculty of Philosophy of Zagreb University and the Education and Teacher Training Agency, Law Academy. The Office has actively encouraged the co-operation of NGOs and state bodies, since joint action is essential from the point of view of respecting the principle of the best interests of the child. We have co-operated with many associations, of whom we will mention just a few: the Croatian Journalists' Association, the Society for Psychological Assistance, the Croatian Law Centre, Our Children League of Associations, and the Co-ordination Society for Children.

Insofar as an individual complaints mechanism is in place:

G. Accessibility

- **To all children, without discrimination? Means by which children can access the mechanism and that are known to them (address, hotline, sms)**

The Central Office as well as regional offices are open for children at any time during working hours. Beside personal and phone contact, we have e-mail address which is intended to be used only by children (mojglas@dijete.hr) and we could be reached through our web page (www.dijete.hr). Those mechanisms are known to the children, still insufficiently in our opinion. We consider this to be our greatest task in the future - to raise our profile among children, i.e. to become more visible

- **Physical accessibility: child-friendly reception (trained staff and child-friendly space)?**

To a certain extent we have child-friendly space (predominant colours, displays of children's work, a children's corner), but we hope that the new premises, which we are planning to move into, will be even more child-friendly. Staff has been trained to work in child-friendly manner.

- **Geographic accessibility (local branches? In areas frequented by children?) Does the mechanism depend on existing structures (NGOs, schools)? Effectiveness? Relationship between the national and local levels?**

Apart from its Central Office in Zagreb, the Office of the Ombudsperson for Children also has 3 regional offices which make it more accessible to children from all parts of Croatia. The Office can be contacted by phone, e-mail and through the web page.

- **Practical/material accessibility (languages; access by children with disabilities)**

Our Zagreb office is accessible by children using a wheelchair, but our regional offices are not.

➤ **Activities in place to provide information and advice to children, in a child-sensitive manner, particularly to child victims of sexual violence or exploitation?**

We have many promotional activities, publishing material which aims to inform children and adults in an illustrated, recognisable way about topics linked to protecting the rights and interests of children, and the activities of the Office of the Ombudsperson for Children'. We printed a booklet, Convention on the Rights of the Child and the Act on the Ombudsperson for Children, in the original and in child-friendly language. We also printed a brochure on children's rights to protection from violence and another on children's rights to judicial protection, a memory card game for children, a bookmark, wall and pocket calendars, greetings cards and document folders. We published child friendly Convention printed comparatively in three languages (Croatian and two Roma's languages which are in use in the Republic of Croatia: Romany Chib i Limba D'Bjaš) as well as Convention on the Braille letter for blind people. Moreover, we have a sound records (CD) of the text of the Convention making it available to the blind and poor of sight children, children who do not know how to read as well as blind and poor-sighted parents with minor children. In the weekly magazine specialized for educators and teachers, on the back page, a colored announcement (attached in Croatian and English translation) were published, with the title: World Day for Prevention of Child Abuse and messages: " There is not any justifiable violence. Each violence can be prevented!" We published the same leaflet which was disseminated on 16th of November to the all libraries in Zagreb, and to the representatives of around 60 cities and municipalities that were present at the Annual Conference of the Child-Friendly Cities and Municipalities. It was also sent to the Polyclinics for the protection of Children in Zagreb (a recipient of the ISPCAN Best Multidisciplinary Team in the world in 2007) that have displayed it in its premises, where many children and adults can see it. Messages that are intended to motivate the adults for the preventive actions are emphasized, and so are messages that encourage children to ask for help if they are subjected to violence.

Short texts on children's rights and the work of the Office of the Ombudsperson for Children, and posters with the text of the Convention on the Rights of the Child in child-friendly language were published in children's magazines, and in order to continue to encourage the creation of quality media content for children and affirm children's media creativity, the Ombudsperson initiated a form of more intensive co-operation with children. The press expresses a great deal of interest and parents often contact the Office, which indicates that the institution is recognised as a place where information can be gained on protecting children's rights. We have daily communication with the media (ansof the complaints mechanism to potential userswers to journalists' questions about specific subjects. We produced our own collections of papers on various topics (Database on Perpetrators of Sexual Offences against Children, Protection of Privacy of Children in the Media, Unaccompanied Children, Rights of Children whose Parents are in Prison, Positive Content for Children). Our own articles published in professional journals.

Dissemination of information on the role and existence of the complaints mechanism to potential users?

See above

H. Protection

➤ **Description of allegations received and processed regarding violence against children, particularly cases of sexual violence and exploitation (numbers, nature, form)**

In 2009 the Office received and proceeded upon a total of 259 complaints, 209 of which related to violent behaviour towards children, and 50 to neglected care for children. Of 209 complaints filed to report violence, 82 related to violence within the family (domestic violence), 51 to violence in educational institutions, and seven to violence in other institutions. The remaining 69 complaints referred to other forms of violence to which children were exposed outside the family or institution (violence of adults against children, violence of neighbours towards children, peer violence). Complaints filed to report violence covered a total of 371 children. Of 209 complaints filed to report violence, 26 related to sexual violence. As regards types of sexual violence against children, the largest number of complaints referred to sexual intercourse, lewd acts, and satisfying lust in the presence of a child. Some other forms of behaviour were also found to have occurred, such as: filming a child, exposing children to pornographic content, exposing children to sex-related scenes, using children for pornography purposes, distributing photographs of naked children via the internet, sexual allusions towards children, and using photographs of naked children for marketing purposes. In the majority of cases, the victims were girls, but there were also many boys who were victims of some form of sexual abuse. The youngest victim of sexual abuse was a three-year-old, and the majority of children were younger than 14. In more than a half of cases sexual abuse took place within the family, but it also happened in some other places, such as school, children's home, public place (park, railway station, playground, and street), and the abuser's flat. In the majority of these cases perpetrators were men, with women being mostly accomplices. Perpetrators of sexual abuse were most often parents, children's relatives (grandfather, brother, uncle, cousin) or close persons (stepfather, a family friend, neighbour, godfather, godmother, subtenant in the parental home, a "benefactor" of the family, "fiancé", teacher, coach or religious education teacher, an employee of the children's home, bus driver), but also strangers. More than a half of the perpetrators were aged between 40 and 65, but there were also many younger perpetrators, with some of them being even younger than 18.

➤ **Proactive in visiting structures and private spaces? (number, reports, results obtained)**

Pursuant to Article 13 of the Law, the Ombudsman for Children is entitled to the right of entering the premises and of getting the insight into the manner of the performance of care for children who are placed or are temporarily, i.e. permanently accommodated with natural and corporation persons and other legal entities on the basis of specific regulations. Upon performed inspection, a report will be drawn up, and it will be forwarded to the body in charge of monitoring the work of the persons under performed inspection. That body has the obligation to inform the Ombudsman for Children about performed activities within 30 days period of time upon the receipt of the report, and in emergency cases without any delay. Should the body in charge of monitoring fail to deliver the report within the specified period, the Ombudsman for Children will inform about it the Government of the Republic of Croatia and public media.

In the course of 2009 the staff of the Office of the Ombudsperson for Children visited 18 social welfare institutions, three institutions for victims of domestic violence, the Reception Centre for Asylum Seekers in Kutina, the Therapeutic Community "Reto Centre – Friends of Hope" in Trogir, 11 educational institutions, four pupils' hostels, four hospitals and five penal institutions.

➤ **Contribution to child protection policies (legislative reform, child protection strategies)?**

Since 2004 in line with the statutory powers, the Office participated very actively in the activities of parliamentary committees, by giving opinions and proposals regarding the adoption of new legal regulations and amendments to the existing ones, to ensure that the principle of the best interests of the child is built into laws to the highest possible degree. Till 2009 the office participated in decision making process concerning 46 laws and other regulations.

In 2009 the office participated in decision making process concerning 28 laws and other regulations, therefore making every effort to improve children's rights and interests. This includes: the Constitution of the Republic of Croatia, the Family Law, the Domestic Violence Protection Act, the Courts Act, the Law on Offences against Public Order and Peace, the Law on Police Operations and Powers, Act on Enforcement of Sanctions Imposed on Juveniles for Criminal Offences and Misdemeanours, The Execution of Prison Sentence Act, the Law on Probation, the Criminal Code, the Rules on Criminal Records, the Law on Rehabilitation and Criminal Records, the Law on Juvenile Courts, the Law on Vocational Education, the Law on Textbooks for Primary and Secondary School, the Rules on Monitoring and Evaluating Students in Primary and Secondary School, the National Curriculum Framework for Preschool Education and General Compulsory and Secondary School Education, the Aliens Act, the Social Welfare Act, the Explosive Substances Act, the Act on Credit Institutions, the Electronic Media Act, the Law on Permanent and Temporary Residence of Citizens, the Law on Prevention of Violence in Sports Events, The Protocol on the Treatment of Children Separated from their Parents-Aliens, the Labour Law, the Act on Medically Assisted Procreation, the Regulations on Mediation in Employment.

The Office participated in National Action Plan for the Rights and Interests of Children 2006-2012, National Strategy of Protection against Family Violence for the period 2008-2010, National Programme for Suppression of Trafficking in Persons for 2005-2008, the National Strategy for Preventing Conduct Disorders in Children and Youth 2009-2012.

I. Confidentiality and protection of the child's right to privacy

➤ **How does your institution ensure the protection of the confidentiality of the child?**

A Decision on data secrecy was adopted, which must be complied with by all employees of the Office. Secret data are deemed to be data about children and their personal lives, collected in accordance with the Ombudsperson for Children Act, which have come to the knowledge of the staff of the Office and whose unauthorised disclosure might harm the interests of the person to whom this data relates or of his or her family members. Data are also considered secret if they are defined as a business secret by law or other regulations adopted in pursuance of law. The duty to preserve data secrecy is incumbent on all persons, even after their term of office has expired, their employment has terminated, or after they ceased to carry out their job assignments.

The obligation to preserve data secrecy is not considered to have been broken in the following cases:

- if the data was provided upon the request of the court or the body authorised to carry out supervision;
- if the data was disclosed with the Ombudsperson's approval, and provided under the conditions and in the manner prescribed by the aforesaid decision;
- if the data is to be provided to persons, bodies of state administration, institutions or other subjects in conformity with regulations;
- if the data designated as secret data was disclosed by the Office's employees in relation to filing a complaint pursuant to the Ombudsperson for Children Act.

➤ **What are the procedures for archiving documents?**

Documents containing secret data are kept by the person designated by the Ombudsperson. The person charged with keeping the documents containing data which are considered secret within the meaning of the provisions of this Decision, and are accorded the "TOP SECRET" level of secrecy, is bound to register these documents in a special register and to store them in a closet or a safe deposit box fitted with a special lock. Documents containing secret data, which are not recorded in a register, remain in the custody of authorised workers and are stored in closets or lockable desks. Documents in the Office that are considered as secret are filed in the archives in line with the decision governing office operations.

➤ **What kind of relationships does your institution establish with parents/tutors of children?**

The Office has a very well developed co-operation with children's parents as it is precisely parents who approach the Office most frequently concerning violations of specific children's rights.

➤ **Are there any mechanisms of coordination with NGOs, associations or institutions for children? With other human rights mechanisms?**

The Office of the Ombudsperson for Children has developed a successful co-operation with non-governmental organisations. Regular annual meetings are held with the Co-ordinating Committee of Associations for Children, representatives of the civil society are involved in public activities organised by the Office of the Ombudsperson for Children, and the Office publicly supports particular civil society activities aimed at protecting and enforcing children's rights.

The Office co-operates with the People's Ombudsman, as the central anti-discrimination body, but also with other specialised ombudspersons, with a view to ensuring better protection and promotion of human rights in the Republic of Croatia.

The Office of the Ombudsperson for Children has been engaged in particularly active international cooperation, which could be grouped in several areas: co-operation with international organizations, bilateral co-operation, and participation in international conferences, seminars and expert meetings. The Office participated actively in the work of the global network of Ombudsmen for Children, the European Network of Ombudsmen for Children and the informal network of Ombudsmen for Children in Southeast Europe. We also

co-operated with UNICEF and participated in the work of the UN General Assembly dedicated to children.

J. Follow-up / Evaluation

➤ Follow-up of judicial procedures?

Within the limits of his or her authority, the Ombudsperson for Children monitors individual cases in an indirect way, i.e. through reports filed by competent authorities, in order to gain an insight into the efforts taken by the institutions in order to protect children's rights.

➤ Follow-up of child victims, particularly child victims of sexual violence and exploitation?

See above

➤ Obligation of annual reporting? If so, to which authorities?

The Ombudsman for Children submits annual report about his work to the Croatian National Parliament. The Ombudsman for Children is also entitled to the right to submit to the Croatian National Parliament special reports in cases when he/she considers it to be necessary, with the goal of implementation of important measures for the protection of the rights and interests of children.

K. Challenges, Good practices and Recommendations

Good practices

As an example of good practice, we would like to mention the good regulatory framework and harmonisation with international documents. We would, in particular, like to point out that, at the Ombudsperson's initiative, the Criminal Code now prescribes that the statute of limitations for criminal offences committed against a child starts running after the child reaches 18 years of age, which is especially important in the case of sexual offences, especially those committed within the family. Criminal proceedings involving child victims are conducted by specialised courts and judges who must have strong inclinations towards upbringing, needs and benefits of the youth, pursuant to the provisions of a special law, i.e. the Juvenile Courts Act.

We would also like to emphasise that the law provides for the possibility for a child who has been harmed by a criminal offence to be interrogated in his or her home, but, unfortunately, this legal possibility is rarely used in practice.

Another example of good practice is the existence of a specialised health institution in the Republic of Croatia, which is engaged in providing assistance to child victims of psychological or physical violence, and the fact that children may seek help through a toll-free line 0800 0800 (Hrabri telefon – Brave Phone) which is advertised in the daily press. The

purpose of this counselling hotline is to offer assistance to children who are victims of abuse or neglect, their parents, guardians, and professionals working with children. The hotline operates every working day from 9 to 18 hours, calls are free of charge for the caller, and it is the only hotline of this kind in Croatia. Calls are taken by specially trained volunteers, prospective young mental health specialists, who receive regular support in the form of supervision and additional training, with the aim of furthering their professional and personal growth and development and improving the quality of services they provide. The line has a primarily counselling character, but if the counsellor assesses that the child might be in danger, he or she will, in agreement with the caller, send an anonymous notification to the competent institutions (centres of social welfare, the police, schools, the Ombudsperson for Children).

The National Action Plan for the Rights and Interests of Children 2006-2012 provides a number of measures specifically relating to protection of children who are victims of violence, as a particularly vulnerable group of children. One of these measures is to adopt the National Plan against Sexual Exploitation of Children, the National Strategy for Protecting Children from Abuse and Neglect, but, regrettably, these strategic documents have not been adopted yet.

Recommendations

It is necessary to provide full information to child victims, develop a support network, equip teams of experts who would guide the child through the criminal proceedings, and help and support the child both in legal and in psychosocial terms.

A Protocol of Procedure should be adopted to regulate co-operation and co-ordination of all bodies involved in sanctioning perpetrators of criminal offences against children, in order to provide maximum protection to children during proceedings. Proceedings involving child victims should be given priority, and the length of judicial proceedings should be limited.

All those who come into contact with victims/witnesses should receive regular training regarding the rights of victims/witnesses, ways of treating them and forms of support, especially psychological and emotional.

Special, family courts should be established which would adjudicate in all cases involving children.

With a view to improving the position of child victims, it is necessary to undertake measures aimed at reducing secondary victimisation and re-victimisation, which as a matter of fact means that police officers should receive additional training in child interrogation techniques, and that specially equipped and adapted premises should be arranged in all police stations and police departments in the Republic of Croatia for the purpose of conducting police interviews with children. Moreover, the possibility should be explored of using testimonies given by children to specialised police officers as evidence in criminal proceedings.

It is also necessary to inform children (by means of leaflets and brochures, by organising additional training for children in co-operation with schools) about self-protective behaviour in order to minimise the possibility of their becoming victims of criminal offences again.

Examples of good practice relating to treatment of children should be exchanged, as should trainers and educators from other countries, who would help bring about the attainment of general standards of child protection.

Faithfully yours,

OMBUDSPERSON FOR CHILDREN

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