



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-seventh session

Summary record of the 1920th meeting

Held at the Palais Wilson, Geneva, on Monday, 15 September 2014, at 10 a.m.

Chairperson: Mr. Mezmur (Vice-Chairperson)

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties *(continued)*

Combined third and fourth periodic reports of Croatia (CRC/C/HRV/3-4; CRC/C/HRV/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Croatia took places at the Committee table.*
2. **Mr. Sadarić** (Croatia), introducing the combined third and fourth periodic reports of Croatia, said that recent years had been marked by major legislative reforms. Since 2010, a number of important new laws had been enacted that would serve to protect and enhance children's well-being. The Social Welfare Act, as revised in 2014, contained provisions that would reduce institutionalization by facilitating care in the community, guaranteeing minimum benefits for single parents and extending the range of services available to families, foster carers and adoptive parents. The provisions establishing the right to foster care were supported by the more detailed provisions of the Foster Care Act, as amended in 2012, designed to ensure that all vulnerable children, including neglected and abused children and children with development and behavioural difficulties, could be cared for in family settings. The new Family Act, adopted in 2014, set out parental roles and responsibilities that were in line with Council of Europe recommendations, introduced new adoption procedures that should increase the number of children successfully placed with adoptive families, and established more targeted protection measures for at-risk children.
3. The laws governing preschool, elementary and secondary education had been amended to consolidate the right to education of children of European Union citizens, asylum seekers, foreign nationals benefiting from protection measures and also, as required under the relevant directive of the European Parliament and of the Council, children illegally present in Croatia. Non-national children also had the right to free legal assistance under a new act on legal aid. The rights of child victims of crime, including their right to psychological and other professional help and support and their right to participate in criminal proceedings, were clearly defined in the Criminal Procedure Act, while the special rules of procedure for interrogating child victims and/or witnesses were set out in the Juvenile Courts Act and the Criminal Procedure Act. The revised Criminal Code, enacted in 2011, incorporated fully the provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, while new legislation on criminal records enacted in 2012 and 2013 provided for the disclosure, to relevant authorities and institutions, of information concerning any person convicted of sexually abusing or exploiting a minor.
4. The legislative effort had been accompanied by a raft of new strategies, plans and programmes. Those directly related to the protection and promotion of children's rights included: the national strategy for achieving equal opportunities for persons with disabilities (2007 to 2015); the plan for the deinstitutionalization and transformation of social welfare homes (2011–2018), which placed emphasis on family reintegration and care in the community; the social welfare development strategy (2011–2016); the strategy for combating poverty and social exclusion (2014–2020); the national health care strategy (2012–2020), which accorded particular attention to preschool children, preventive measures and mental health issues and included targeted programmes for improving child nutrition, reducing road traffic accidents, preventing HIV/AIDS and reducing suicides among young people; the strategy for education, science and technology; and the national Roma inclusion strategy (2013–2020), which sought to end segregation in schools and achieve continuing increases in the number of Roma children in primary and secondary education, in line with the objectives of the European Union Roma inclusion plan.

5. In addition, the Ministry of Science, Education and Sports was participating in a Joint European Union/Council of Europe project that sought to improve social cohesion through inclusive education, and was working to ensure that children from national minorities had the opportunity to be taught in their own language.

6. However, the key child-related policy development was the new national strategy on children's rights (2014–2020), which was currently in the final stages of the adoption process. Taking Council of Europe and European Union principles as its point of departure, the strategy focused on four areas: guaranteeing child-friendly services; eliminating all forms of violence against children; safeguarding the rights of children in vulnerable situations; and guaranteeing the active participation of children.

7. The development of the strategy had been accompanied by participation in various international initiatives, notably the Council of Europe "Raise your hand against smacking" campaign to end corporal punishment and the "One in Five" campaign to stop sexual violence against children. The authorities prioritized cooperation and information sharing with international and national partners and those partnerships, including, in particular, the Government's long-standing alliance with the United Nations Children's Fund (UNICEF), had resulted in the implementation of efficient programmes that served to enhance children's quality of life. Meanwhile, strengthened by the recent appointment of new members, the Council for Children continued to coordinate and monitor policy development and implementation, ensuring that children contributed directly to shaping decisions that affected them. The Government of Croatia aimed to continue developing the strategic and legislative framework and stakeholder partnerships that it had built since joining the European Union and thus to achieve further progress in enhancing children's safety, well-being and future, both in Croatia and elsewhere in the world.

8. **Ms. Winter** (Country Rapporteur) said that the State party should be commended for its efforts to align national laws with the European Union *acquis*, although the scale of the reform process and the speed with which much of the new legislation had had to be drafted and approved had brought certain problems. Legal professionals had been required continually to update and upgrade their knowledge in order to keep pace, while members of the public had been confronted by a lack of clarity and certainty with regard to their legal rights. The biggest problems, however, lay in implementation: implementing so many new laws concurrently would pose challenges under any circumstances but in Croatia those challenges had been magnified not only by the European economic crisis and the attendant squeeze on finances but also by the absence of a monitoring mechanism to evaluate the efficacy of the new laws and a general lack of accountability. She would like to know, in that context, what the State party was doing to make policy- and decision makers accountable for the implementation and efficacy of new programmes and projects and not just for their development.

9. The State party was also asked to describe the steps it was taking to engineer the change of mentality which might alleviate the climate of intolerance that permeated all parts of Croatian society, and to reduce the alarming levels of violence, which was not limited to top-down violence and domestic violence but included peer-to-peer violence in schools and institutions.

10. Although there was a plethora of different action plans addressing different areas, she perceived a need for a new coordinated national plan of action for children and asked whether the State party planned to fill that gap and, if so, when. She also saw a need for a harmonized national data collection system that facilitated inter-institutional comparison and disaggregation. With regard to the State party's efforts to raise awareness of the Convention and its provisions, she asked what was being done to ensure that all children were aware of the Convention rights and had the opportunity to make their views known, irrespective of where they lived, and thus to overturn the entrenched notion that children in

Croatia had little to contribute. Although progress had been made in terms of giving children the right to be heard in court proceedings, in other areas, including, for example, in education, much remained to be done.

11. Noting lastly that the report did not address the possibility of private-sector involvement in the provision of services for children (for example, crèches), she asked whether the Government had any plans to move in that direction. The delegation was also asked to specify the minimum age requirement for marriage, voting and running a small business.

12. **Ms. Al-Shehail** (Country Rapporteur) sought clarification regarding the content of the 2006 amendment to the Criminal Code that had introduced the notion of hate crime. Noting that, according to the report, cases of discrimination were handled principally by the Ministry of Justice and the specialized ombudsperson for children, she asked whether the ombudsperson for children cooperated with the ombudsperson for gender equality and the ombudsperson for persons with disabilities in dealing with such cases; how many of the cases reported had related to children with disabilities and their enrolment in educational institutions; how many had concerned the segregation of Roma children; and what measures had been adopted to eliminate such discrimination.

13. The State party had provided details of various programmes designed to improve children's physical and mental health, including plans to address depressive symptoms and suicide risk, but gave insufficient information about deaths attributable to domestic violence or peer abuse. Highlighting the importance of separately tracking and analysing such incidents, she sought more insight on that issue, as well as more information about specific action taken under the national road safety plan to prevent child traffic accidents.

14. She also wished to know whether experts working with children had received training in how to ensure respect for their right to be heard and encourage their active involvement in the community. Information about civil-society led projects, workshops and clubs established in implementation of the 2007 Act on Youth Councils would be useful in that connection. In view of reports that, although in principle children had the right to be heard in court proceedings, judges rarely considered their views and statements to be legally relevant, information about mechanisms in place to ensure respect for that principle would also be appreciated. For example, were court decisions published in order to provide case law that could be referred to for guidance?

15. Lastly, the delegation should clarify: whether the Optional Protocol to the Convention had been translated into Croatian and distributed in a child-friendly format; how, in view of legislation which stipulated that a child's name could be changed solely at the request of the parent with whom the child lived, the authorities guaranteed the equal rights of both parents on such issues; and whether, when processing citizenship applications, the authorities had discretion to take account of the social status of Roma families with numerous children, and their ability to pay the required fees, in order to prevent undue obstacles to acquiring nationality.

16. **Mr. Gurán** expressed concern about reports that the State party was intending to merge its three specialized ombudspersons' offices into a single institution and sought assurances that the office of the specialized ombudsperson for children would continue to operate as an independent entity offering accessibility, confidentiality and highly-trained staff. He also requested clarification of the role and status of school student councils. For example, did they have a legal basis or was their existence dependent solely on the good will of the school? In that connection, he asked whether the Committee's general comments Nos. 12 and 14 had been translated into Croatian to facilitate their implementation and whether any training in their content been provided.

17. **Mr. Nogueira Neto** enquired about the effectiveness and social impact of programmes and services to combat discrimination against deprived or vulnerable children, or children whose ethnic or religious identity was under threat, especially Roma children. How were those programmes and services run in local communities and schools and what steps would be taken to ensure that they were properly monitored and evaluated, with civil society involvement?

18. **Ms. Oviedo Fierro** asked whether it was true that the views of children expressed in student councils, youth councils and other public participation forums tended to be disregarded. She requested more detailed information on the use of corporal punishment as the principal disciplinary measure in schools. She wished to know whether new information and communications technologies had been effectively integrated into the education system; whether children were given the opportunity to express their views and participate through the use of such technologies; how widely the latter were used in schools; whether children were adequately trained in their use and what national policies and monitoring mechanisms were in place to oversee their use in school.

19. **Mr. Cardona Llorens** asked whether any assessments had been made of the impact on children's rights of the economic adjustments made in response to the economic crisis. He wondered whether the Government, prior to making budget cuts, had studied the direct or indirect impact on children's rights, whether those studies had been made public, and whether there was a system in place to calculate the precise amount of funding allocated to implement each of the different children's rights and to measure the effects of budget cuts on those rights.

20. He asked the delegation to comment on reports that some children with disabilities, particularly children with intellectual or psychological disabilities, were being either institutionalized or admitted to psychiatric hospitals and subjected to practices that could be construed as degrading treatment, or even torture, such as being strapped into their beds for days at a time without treatment, children with Down syndrome being confined to institutions, or children kept in psychiatric hospitals for years. He wondered whether any of those allegations had been investigated.

21. **Ms. Winter** reiterated her concern about widespread intolerance and particularly about reports that Catholic children were encouraged to bully non-Catholic children, and especially children with no religious affiliation.

22. **Mr. Sadarić** (Croatia), acknowledging that trying to implement so many new laws at once posed challenges, said that Croatia considered it important to take time to introduce feedback mechanisms as a way to monitor implementation of the new laws, using the information gathered to make amendments where necessary. For each law introduced, 10 to 15 by-laws would be created, setting out strict procedures for implementation and including monitoring and evaluation mechanisms.

23. **Ms. Kuharić** (Croatia), giving examples of the Ministry of Justice's feedback mechanism, said that working groups had been set up to monitor the implementation of new laws on the ground, including the new Criminal Code. In addition, the courts and State Attorney's offices around the country had been asked to submit data to the ministry, highlighting any problems that had arisen with implementation. On the basis of all the data collected, amendments were drafted where necessary.

24. **Ms. Marušić** (Croatia), giving examples of how the feedback mechanism worked with regard to the new Family Act, said that extensive training had been provided for all social welfare professionals, particularly those working in social welfare centres. Social welfare professionals had also been actively involved in the drafting of by-laws to implement the Act. A working group had been set up to work intensively on the first phase

of implementation, so as to ensure that no child or family was harmed by the incorrect implementation or interpretation of the Act.

25. The new Family Act had, for example, bridged a gap in legislation on dealing with children deprived of parental care. Croatia had been taking care of children without parents, including unaccompanied foreign children, for the past 20 years, despite not having adequate primary care and welfare services and institutions in place. In 2009, the first protocol on unaccompanied foreign children had been drawn up, but professionals working directly with children had quickly highlighted shortcomings. Following a review in 2012, a new protocol had been drafted as a living instrument that could be used by all professionals on the ground. Ongoing reviews were undertaken and new mechanisms were constantly being developed.

26. **Ms. Winter** asked whether there were plans to increase the number of trained staff working in the social welfare centres, finances permitting.

27. **Ms. Marušić** (Croatia) said that professionals were always encouraged to take advantage of budgetary funds to undergo regular training and continuous professional development programmes were in place for all social welfare centre staff. Training was also provided on managing social welfare centres.

28. **Ms. Winter** clarified that her question had been whether there were plans to increase the number of staff in the centres.

29. **Mr. Sadarić** (Croatia) said that the creation of “one-stop-shop” offices, which would deal exclusively with calculating and administering financial benefits, meant that staff working in social welfare centres would no longer have to deal with financial matters and could devote all their time to their work with families. Staff capacity would thenceforth be more than sufficient.

30. With regard to the need for a new coordinated national plan of action for children, the new National Strategy for Children would bring together ministries to create a national team and draft a plan of action. Measures developed under the new plan of action would form the core of all strategies and legislation on children’s rights.

31. In addition to the plan of action and national team, a harmonized national data-collection system would be introduced. A crucial first step had been taken with the management information system established in the social welfare centres, which served as a central registry for information about all citizens. It operated in tandem with an online project called “e-Citizens”, under which Internet users could, for example, apply for benefits, change their doctor, or pay their taxes.

32. Regarding the use of information and communications technologies in schools, 300 Croatian schools were taking part in a pilot project to enable parents to access information about their children online and keep in constant contact with teachers via mobile applications.

33. **Ms. Jurela Jarak** (Croatia) said that education in human rights, including children’s rights, had been offered as part of the school curriculum for more than 20 years, albeit only as an optional subject. Children could also learn about their rights through civic education lessons, which had been successfully piloted over the past two years in 12 schools and would be mainstreamed into the curriculum. Relevant training had been provided to teachers, teaching assistants and headteachers. However, the Convention on the Rights of the Child needed to be taught in schools. Student rights were given prominence in all education laws.

34. Children had the right to express their views in class but, although, it was true that they might be disregarded by some teachers. Children elected their own student council

representatives and had the right to participate in discussions on children's rights in other forums. Cooperation between the Government and non-governmental organizations involved in education was excellent, with the latter helping to deliver projects focusing on children and child participation in society, including in schools and the local community.

35. Civic education projects such as "Project Citizen" had been implemented in a number of schools, giving students an opportunity to participate in discussions and decision-making on changes to their own environment and indicate their particular needs within their schools or local communities.

36. **Ms. Matijević** (Croatia) said that the adoption of a national plan on road safety 2012–2020 was proof of Croatia's long-term commitment to tackling child road deaths and injuries. Preventive measures were a priority of the plan and focused on encouraging drivers to adhere to traffic rules and signs. Since the introduction of preventive measures in 1995, there had been a marked fall in road traffic deaths and injuries. Road safety campaign materials had been adapted to children, using well-known television cartoon characters to promote road safety messages, and police officers visited schools to talk to children about road safety at the beginning of each school year. Child passenger deaths and injuries had overtaken pedestrian deaths and injuries; thus, new campaigns were targeting parents as drivers to increase road safety, including through legislation and directives on child passengers that were in full compliance with European regulations, and the implementation of strategic programme objectives that included promoting the establishment of prevention committees and school traffic units.

37. Although no child deaths or injuries from the use of agricultural machinery had been recorded in 2013, one death and two injuries had been reported in 2014. Consequently, more efforts would be directed towards preventing child deaths and injuries from agricultural accidents and a strong message would be addressed to parents that they could be held criminally responsible.

38. Measures were in place to monitor all child deaths and injuries, detailing the circumstances, the causes (for example, domestic violence, peer violence, fire or drowning accidents) and the severity of injuries. The Council for Youth dealt with each case and prevention experts were assisting with the development of new preventive measures.

39. Turning to the prevention of risks posed by the explosive remnants of war, she said that the Government had launched a campaign entitled "Less Weapons – Less Tragedies" to raise awareness about the danger of mines and to collect weapons and explosive devices.

40. In view of the intergenerational link between peer violence and family violence, the Government had adapted an award-winning domestic violence programme — entitled "Leading a Life without Violence" — in order to target children more specifically. The programme was aimed, among other things, at raising awareness among children of the importance of the peaceful resolution of conflict through campaigns involving social media, interactive events and celebrity participation.

41. In terms of training activities, more than 4,000 police officers had attended courses over the past five years on domestic violence, gender equality and ensuring respect for the rights of children under the Convention.

42. **Ms. Marušić** (Croatia) said that in recent years the Ministry of Social Policy and Youth had allocated 5.5 million kunas to the prevention of peer violence.

43. In response to an earlier question about the institutionalization of children deprived of adequate parental care, she said that a programme for the prevention of institutionalization run jointly by various ministries targeted primary school-age children with developmental problems and behavioural disorders. Thanks to intensive work with parents and the provision of expert support and monitoring services in both the home and

school environments, 95 per cent of children on the programme required no further intervention.

44. **Ms. Jurela Jarak** (Croatia) said that the Government had introduced new measures to counter violence in schools, including the creation of a dedicated Internet portal providing information and resources for education professionals, parents and children.

45. On the issue of discrimination, she said that the Act on Education established that all children in the State party, irrespective of their origin and status, had the right to education without discrimination of any kind. In that connection, the number of Roma children enrolled in primary, secondary and tertiary education was increasing annually. Likewise, there had been a rise in the number of Roma children attending kindergarten, in particular in respect of those enrolled in the final year, which was designed to ensure a smooth transition to primary education through the teaching of Croatian and the development of social skills. In those districts where Roma children represented the majority of the school-age population living within the catchment area of a school, it was not possible to ensure the same balance between various nationalities as that achieved in more ethnically mixed areas.

46. The Government was working hard to include children from minorities within the education system through legislative measures and a systematic operational approach, focusing on particular areas of the country. Considerable success had been achieved in the face of challenging circumstances in, for example, the cities of Vukovar and Osijek, where children of different national minorities now attended the same schools, while having the possibility to make certain curriculum choices. In order to meet the linguistic needs of the various national minorities, the Government had introduced a system whereby some students could, if they so wished, attend classes conducted in their own national language, with Croatian taught as a second language.

47. **Ms. Winter** (Country Rapporteur) asked whether the Government had any plans to strengthen programmes designed to bring children of different ethnicities together by, for example, taking into account the many examples of international best practice in that field.

48. **Ms. Jurela Jarak** (Croatia) said that the Government was preparing a range of new civic education initiatives that would build on the progress already made in developing closer ties between, for example, the Serbian minority and the Croatian majority in Vukovar and Osijek.

49. **Ms. Al-Shehail** (Country Rapporteur) said that information available to the Committee indicated that not all children of preschool age — in particular those from low-income families — had access to early childhood education. She therefore wished to know whether there had been any new developments with regard to early childhood education and care policies at either the national or the local level. She enquired about the complementarity between the work of social welfare centres and family centres. What action had been taken to provide ongoing training and supervision to professionals employed in social welfare centres? Had any performance monitoring mechanism been established in that regard?

50. She asked what measures had been taken to ensure access to education and expert teaching assistance for children with severe disabilities and special educational needs living in rural areas. What was the status of the proposed ordinance on education and appropriate support for pupils with difficulties in primary and secondary schools? Could the delegation provide statistical updates on improvements to the mental health protection system for children and youth, particularly with regard to inter-institutional coordination?

51. Noting that over the previous 20 years there had been no increase in the health system's capacity to treat children suffering from malignant and rare diseases, she wished

to know what action the Government was taking to deal with delays in the treatment of those children and the lack of availability of hospital beds. Was there any national strategy in place to combat malignant diseases, in particular childhood diseases?

52. Although mothers on maternity wards were encouraged to breastfeed their babies, she wished to know why they were increasingly exposed to the widespread marketing of formula milk through pharmacies. She asked about restrictions on parental visits to children in hospital and the impact of those restrictions on the children themselves. She enquired about measures taken to ensure the right of parents and children to have access to health information. What action was being taken to address an increase in the consumption of alcohol among, in particular, girls? What had been done to combat the use of psychoactive substances, which was often associated with road traffic accidents?

53. **Ms. Winter** (Country Rapporteur) said that various surveys indicated that the majority of the State party's population still believed that moderate corporal punishment of children was acceptable, even though it was prohibited by law. She therefore wished to know whether the Government envisaged organizing public information campaigns aimed at changing attitudes in that regard. In view of the inability of teachers to tackle violence in schools in the absence of what they considered to be adequate disciplinary sanctions, she asked whether the Government had any plans to provide teachers with training on the use of non-violent disciplinary methods.

54. Although children were afforded adequate protection in the criminal justice system, they seemed to be less well protected in civil law proceedings. She asked what special protection and assistance measures were provided to children participating in difficult divorce proceedings or appearing as witnesses, for example. She asked the delegation to comment on a survey indicating that due consideration was not given by the authorities to statements made by children in contact with the law. With regard to correctional facilities and institutions for children with behavioural disorders, she asked what was being done to address inadequate staffing levels and upgrade equipment in order to improve conditions for children. What plans did the Government have to bring conditions in pretrial detention centres up to the standard obtaining in prisons?

55. Given that Croatia was used as a transit country for the trafficking of children, she asked whether the Ministry of the Interior intended to improve protection for child witnesses giving evidence against traffickers.

56. **Ms. Herczog**, referring to the deinstitutionalization process undertaken by the State party, asked what efforts had been made to strengthen the biological family, enhance parenting capacities, develop local services and provide support for families that obviated the need for out-of-home care. What was the Government doing to ensure that European Union funding allocated to deinstitutionalization programmes was targeted at family strengthening and alternative care projects for vulnerable children, Roma children and children with disabilities in particular. What measures had been taken to prepare children for an independent life after leaving the care system and to prevent a repetition of events across generations. Did the Government have any plans to support kinship care?

57. **Mr. Cardona Llorens**, referring to the State party's law on inclusive education, asked how it was being implemented in practice and whether any changes had been made to the school curriculum to allow for different requirements. What specific training was being provided for teachers in that regard? Could the delegation provide statistics concerning the number of children who had been transferred from special education centres or institutions to the inclusive system? In view of reports that children with disabilities outside the capital faced difficulties in accessing inclusive schools, he asked what action the Government was taking to ensure that pupils in remote areas were able to attend those schools, while continuing to live in their family environment.

58. **Ms. Muhamad Shariff** asked whether the delegation could provide information on children living with their mothers in prison, in particular the number of women with infant children, the length of their prison terms and whether children were separated from their mothers. How many mothers were serving prison terms without their children? Were the children of those mothers able to visit them? Did the Government facilitate those visits or were the families themselves responsible for arranging them? Were child-friendly rooms available during such visits and did children receive special counselling?

59. The Committee was concerned about the lack of adequate leisure facilities for children in many local communities and the absence of regulations regarding the design, construction and operational requirements of play areas and the supervision of children within such areas. She asked the delegation to comment on reports that after-school activities were not provided free of charge or were limited in scope in remote areas. She would also welcome comments on reports that children were increasingly required to pay for leisure activities in schools and on information indicating that State funding allocated to the activities of civil society organizations in the field of leisure activities for children and youth was inadequate.

60. **Mr. Gastaud**, noting the State party's largely repressive approach to the issue of street children, asked whether the Government had considered implementing more positive measures to remedy their situation, such as attempting to return them to their families or place them in foster care.

61. **Mr. Nogueira Neto** asked whether the reception centre for asylum seekers in Kutina had been adapted to accommodate vulnerable groups such as unaccompanied children, Roma, lesbians, gays and transsexuals, in accordance with the State party's immigration policy adopted in February 2013. Were all child asylum seekers and their parents guaranteed free legal assistance and other appropriate forms of support? Did all child asylum seekers have effective and non-discriminatory access to education? Did they receive adequate preparation for the exercise of citizenship and the world of work?

62. **Ms. Khazova** asked the delegation to comment on reports of unnecessarily lengthy adoption procedures in the State party. She requested further clarification on the follow-up given to the judgement of the European Court of Human Rights in the case of *X v. Croatia*, in particular with regard to legislative amendments that had been made. She asked the delegation to clarify whether children with disabilities were put up for adoption or remained in institutional care.

The meeting rose at 1 p.m.