



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 1921st meeting

Held at the Palais Wilson, Geneva, on Monday, 15 September 2014, at 3 p.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 3:05 p.m.

Consideration of reports of States parties *(continued)*

Combined third and fourth periodic reports of Croatia on the implementation of the Convention on the Rights of the Child (continued) (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) said that it would take time for attitudes to change but that the authorities were sparing no effort to combat discrimination against minorities and school segregation. For example, children from minority groups had the opportunity to be taught in their native language in ordinary schools, even though their parents were free to enrol them in one of the schools for national minorities. Children were taught tolerance in class. For the sake of equality, the Government had recently enacted legislation providing for free school transport and textbooks for all primary-school students.
3. **Ms. Jurela Jarak** (Croatia) said that the Ministry of Science, Education and Sports had tackled the problem of student violence. Traditional teacher training and in-service training dealt, among other things, with ways of handling violence among students and violence against teachers. In March 2013, the Ministry had organized a major conference on violence in schools, in which government bodies, NGOs and the Ombudsperson for Children had taken part. Violence was a cross-cutting theme dealt with in the civics and health classes taught in primary and secondary schools, as well as in the codes of ethics that nearly all such establishments had adopted. Every year, the Luka Ritz Prize was awarded to primary and secondary students who had contributed to the promotion of tolerance.
4. **Ms. Al-Shehail** (Country Rapporteur) requested additional information on the changes introduced in the Criminal Code in 2011 with a view to penalizing acts motivated by hatred.
5. **Ms. Kuharić** (Croatia) said that the Criminal Code, as amended in 2011, defined a hate crime as any offence based on the victim's race, skin colour, religious beliefs, ethnic or national origin, disability, gender or sexual orientation. Motives related to hatred were an aggravating circumstance.
6. **Ms. Aldoseri** asked whether there was a law explicitly prohibiting corporal punishment in the home and at school.
7. **Ms. Matijević** (Croatia) said that all corporal punishments were prohibited. Families that had problems raising their children could obtain help from family centres or such specialized institutions as the Polyclinic for the Protection of Children of the City of Zagreb. The Ministry of the Interior had created a web page, meant initially for reporting sexual violence, which was currently used to report all kinds of violence, including cases of violence in school or harassment on social networks. That website contained a good deal of information on the support and assistance available to children. Under the Family Act, and in the interest of child protection and the prevention of violence, parents were required to supervise their children and, among other things, to forbid them from going out alone at night.
8. **Ms. Marušić** (Croatia) added that the Family Act explicitly stated that any person with knowledge of cases of violations of children's rights, including violence, was required to notify the social services. A national campaign called "No Hate Speech on the Internet", which was connected with a Council of Europe initiative (No Hate Speech Movement) was being introduced in the country. The campaign was based in particular on a video broadcast on public and private television channels.

9. **Ms. Winter** (Country Rapporteur) asked whether there were any plans to add a provision to the Criminal Code prohibiting corporal punishment in all places.
10. **The Chairperson**, speaking as a member of the Committee, asked whether those who failed to report acts of violence that had been brought to their attention were subject to penalties.
11. **Mr. Sadarić** (Croatia) said that Croatian society did not tolerate corporal punishment but that the term itself did not appear in the law. A parent or teacher who struck a child committed a physical assault, an act that was an offence under the Criminal Code.
12. **Ms. Marušić** (Croatia) added that a person who was aware of acts of violence against a child but failed to report them ran the risk of being found to be an accessory to those acts. The population was increasingly aware of the issue, and the number of cases reported was growing.
13. **Ms. Matijević** (Croatia) indicated that under the Criminal Code anyone who subjected children to excessive labour, forced them to do work not appropriate to their age or perpetrated any other serious violation of children's rights was liable to imprisonment of between 6 months to 5 years. In the event of domestic violence, the perpetrator could be subject to a restraining order. Guidelines for victim support had been put in place as part of cooperation between the ministries involved (including the Ministry of the Interior, the Ministry of Justice, the Ministry responsible for social affairs and youth and the Ministry of Science, Education and Sports), and a national team had been set up to improve inter-institutional cooperation in combating domestic violence, with support from county teams at the local level. All police officers were trained to identify cases of domestic violence. They referred victims to police officers specialized in dealing with children who were victims or perpetrators of criminal offences and who had received training on the interrogation of children and the rights of children as enshrined by international treaties.
14. **Mr. Sadarić** (Croatia) said that, despite budgetary restrictions, a sufficient sum would always be earmarked for the implementation of strategies for putting children's rights into practice. As a member of the European Union, Croatia received aid from the European Regional Development Fund and the Internal Security Fund. It was also about to take out a €70 million loan from the World Bank. There were a great number of draft laws and strategies aimed at enabling the Office of the Ombudsman to continue working with the same effectiveness as previously. The authorities cooperated closely with the Ombudsman for Children.
15. **Mr. Cardona Llorens** said that he was concerned about the effects of budgetary restrictions on children's rights. He asked whether impact studies were carried out and whether the results were made public.
16. **Mr. Sadarić** (Croatia) said that impact studies were conducted for all laws and strategies and that the Government was not cutting back on the budgetary resources set aside for strategies to help children.
17. **Ms. Pećanac** (Croatia) said that the children's hospital of Gornja Bistra was the only institution that admitted children with severe mental disorders. Following the action of the National Committee for Persons with Handicaps and the United Nations Children's Fund (UNICEF), all the cage-beds had been removed. On rare occasions, children with very severe mental disorders might be tied to their beds. The health-care personnel working in that hospital were assisted by a network of volunteers who came from all over Europe.
18. **Mr. Sadarić** (Croatia) said that the Government was currently working on a national family policy and was looking for ways of raising the awareness of businesses in the private sector of what they could do to help their workers achieve a balance between their working and their private lives. In order to avoid children being separated from their parents for

reasons of poverty, emergency benefits could be distributed by social welfare centres. Members of the Roma community and of other national minorities, even if they were not Croatian nationals, were entitled to all welfare benefits. If they applied for Croatian nationality, they were assisted by social workers of the social protection centre. NGOs played a very important role in running public programmes for vulnerable population groups. In the area of education, for instance, NGOs contributed to tutoring programmes designed to ease Roma children's integration into primary schools.

19. **Ms. Jurela Jarak** (Croatia) said that preschool education was not compulsory and was financed by local authorities. Parliament was currently considering a draft strategy on education, science and technology aimed in particular at enabling more children to benefit from preschool education and bringing the duration of compulsory schooling into line with that in place in most member States of the European Union. Some major companies had set up preschool programmes for the children of their employees. Children with special educational needs were helped by teams of specialists with a view to their subsequent integration into primary school.

20. **Mr. Sadarić** (Croatia) said that children with learning disabilities were placed in small classes.

21. **Ms. Herczog** asked whether the State party was in a position to allocate sufficient resources to ensure that European Union standards of educational quality were met, in particular those regarding class size.

22. **Mr. Sadarić** (Croatia) said that the Government was considering the possibility of rationalizing the country's administrative divisions, particularly with a view to facilitating the implementation of strategies in the areas of health and education. Under the Child Minders Act, unemployed women from vulnerable population groups could register as child minders using a simplified procedure.

23. **Ms. Marušić** (Croatia) said that the Child Minders Act had helped to make up for the shortage of preschool education facilities.

24. **Ms. Herczog** asked how the quality of the care offered by child minders was ensured.

25. **Ms. Marušić** (Croatia) said that by law child minders were required to undergo training. In addition, family centres took parental feedback into consideration when they updated their list of child minders. As of 1 October 2014, a list of child minders would be posted on the website of the Ministry responsible for social affairs and youth. Child minders could be provided with the support of professionals, and plans were being made to introduce supervision.

26. **Mr. Kotrane** asked for an update on the activities of the working group responsible for proposing amendments to the Criminal Code with a view to bringing Croatian legislation into line with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and establishing the State party's extraterritorial jurisdiction over crimes committed against children abroad, in particular when the perpetrator was a Croatian national or a resident of Croatia.

The meeting was suspended at 4.40 p.m. and resumed at 5 p.m.

27. **Ms. Kuharić** (Croatia) said that articles 91 and 95 of the Criminal Code prohibited the enlistment of children in the armed forces and their use in armed conflicts.

28. **Ms. Jurela Jarak** (Croatia) said that children with learning disabilities were integrated, at all educational levels, in ordinary programmes. The children whose disabilities were especially severe could receive specialized aid and follow a different course of study. There was a network of 19 special schools and 6 specialized regional

institutions. Ninety-eight establishments had the necessary infrastructure to enrol students with learning disabilities. The authorities were working in partnership with NGOs to strengthen the educational support offered to those children.

29. **Ms. Pećanac** (Croatia) said that the parents of children with disabilities or suffering from cancer could be lodged at the hospital or rehabilitation centre where their children were or, for want of room, in accommodation located nearby, paid for by the hospital. Every effort was made to ensure that children suffering from cancer were hospitalized in the most humane conditions possible, in particular in the paediatric haematology/oncology wards. The health care offered was of high quality, and young patients and their parents were assisted by social workers and psychologists for the duration of the treatment. The Act on Personal Data Protection ensured that information about patients' health would be kept confidential, on the basis of the principle of medical confidentiality. Children capable of discernment and their parents had access to their complete medical histories and were entitled to be informed about the risks of any given treatment protocol. If the patient was a minor, either unconscious or affected by a serious mental illness, written consent of the parents or guardians was required for certain forms of treatment. In the absence of consent, the case must be brought to the attention of the social welfare centre as soon as possible.

30. The Breastfeeding Promotion Programme implemented by the Committee for the Promotion of Breastfeeding of the Ministry of Health was a success, to judge by the breastfeeding rates for the first three months of a child's life, which had risen from 30 per cent in 2003 to 54 per cent in 2011, and the fact that 40 per cent of children were currently breastfed exclusively up to the age of 6 months. The role of community and support groups for breastfeeding, described in paragraph 286 of the State party's report, and the ban, instituted in 2007, on distributing "Happy Baby" gift packs in maternity wards promoting infant formulas, had made it possible to reduce the use of maternal milk substitutes. The Government was determined to continue its awareness-raising campaigns and to ban all advertising of such products. Mothers who breastfed a child exclusively were entitled to stay with their child in hospital night and day.

31. The goals of the national programme to combat alcoholism were to raise the population's awareness of the dangers of alcohol consumption and ensure that advertisements for alcoholic beverages did not directly target young people. Social workers dealing with exposed youths warned them of the health risks of privately produced alcoholic beverages, the alcohol content of which was much higher than current official standards. Presentations were given in primary schools to raise students' awareness of the problem at an early age.

32. **Ms. Matijević** (Croatia) said that the Ministry of the Interior had initiated preventive actions to remind the managers of drinking establishments that selling alcohol to minors was against the law and that offenders could be prosecuted. Those targeted actions accompanied others aimed at combating the sale of tobacco and games of chance to minors.

33. **Ms. Jurela Jarak** (Croatia) said that health education, which had formerly been a part of biology and chemistry courses, had been made a separate subject in primary and secondary schooling since the 2013/14 school year. Students were taught about the risks of irresponsible sexual behaviour and drug use, and they were encouraged to eat and live healthily. A programme put in place with the cooperation of UNICEF provided for the distribution of fruit to primary school students.

34. **Ms. Kuharić** (Croatia) said that the new Juvenile Courts Act distinguished between minors aged 14 to 16, who were subject to educational measures, and those aged 16 to 18, who became liable for penalties of a punitive nature or even prison sentences. Under that Act, all minors suspected of having committed an offence, regardless of its nature, must be represented by counsel. Children who were victims of criminal offences must be assisted by

a specially trained lawyer with basic knowledge of criminology and psychology. A list had been drawn up of lawyers and prosecutors approved to represent underage victims of criminal offences. During the proceedings, underage victims remained in a separate room, so as not to have to come face-to-face with the counsel for the defence. If the victims had to testify before the court, their testimony was heard through an audiovisual system, with which all the courts were equipped. With the assistance of UNICEF, the Croatian Government was setting up training programmes for juvenile court judges. Rather than ordering the detention of minors, judges gave preference to placing them in social welfare institutions.

35. **Ms. Matijević** (Croatia) said that, in the campaign of action against trafficking in human beings, the Croatian police were working closely with their counterparts at international and regional levels, owing to the fact that most victims came from neighbouring countries. Children who were trafficked were considered victims rather than delinquents, and as such were entitled to a number of rights, such as the right to safe accommodation, the right not to be expelled, or the right to be returned to their country in the safest possible conditions, the right to the protection of personal data and the right to be allowed the services of a translator or interpreter. As soon as a trafficking victim was identified, the authorities responsible immediately contacted teams of specialists, operating round the clock, who took the child into their care. Law enforcement personnel learned to identify cases of trafficking for the purposes of sexual exploitation or pornography. Children who had to testify before the courts in human trafficking cases did not have to face the perpetrators of the offences, and their statements were taken in a location other than the courtroom.

36. **Ms. Winter** asked what steps the State party had taken to safeguard the right of minors to privacy and to ensure that their names did not appear in the media.

37. **Mr. Kotrane** asked what the maximum length of pretrial detention was and whether the new criminal law prohibited the incarceration of children alongside adults.

38. **Ms. Kuharić** (Croatia) said that under the Criminal Code, the length of pretrial detention applicable to children had been made half that applicable to adults. It was highly unusual for a child to be placed in detention, and if it happened every effort was made to ensure that the minor was not detained with adults. The Juvenile Courts Act barred the public identification of minors involved in court cases, whether as victims or perpetrators. In addition, the Media Act penalized any journalist who divulged the identity of a minor, as well as the editor-in-chief of the newspaper in which the article appeared.

39. **Ms. Marušić** (Croatia) said that the Family Act provided for parenting assistance to avoid children being separated from their families and placed in a child protection centre. The social services and childcare specialists could therefore intervene directly in the family home and judge the situation in the light of the respective needs of parents and children. The social services also dealt with children who left the child protection centres in order to help them resettle and find accommodation and work. The Croatia for Children foundation even gave them a monthly allowance to meet their basic needs.

40. **Ms. Matijević** (Croatia) said that asylum was granted as a matter of priority to all persons who were at risk of persecution in their country of origin. Members of the same family were systematically housed together, in private settings that enabled them to lead normal family lives. Funds had been made available to build accommodation for persons with handicaps and the elderly. Requests for asylum from children were given priority processing, and the children themselves automatically received temporary residence permits for humanitarian reasons and were immediately placed under guardianship. Pending consideration of their cases, they had access to health and educational services.

41. **Ms. Al-Shehail** noted that although the State party was equipped with the necessary legal framework to implement the Convention, it still needed to ensure that the law was respected in practice. The State party should ensure in particular that the best interests of the child were taken into consideration in all decisions involving children, that campaigns were conducted to raise awareness of children's rights and that new laws were enacted in the areas of education, child protection and health.

42. **Mr. Sadarić** (Croatia) thanked the Committee for the constructive dialogue to which consideration of the combined third and fourth periodic reports of Croatia had led and said that the Croatian Government would make every effort to remedy current shortcomings, of which it was well aware.

The meeting rose at 6 p.m.