



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-seventh session

SUMMARY RECORD OF THE 981st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 20 September 2004, at 10 a.m.

Chairperson: Mr. DOEK

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

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Croatia (CRC/C/70/Add.23, CRC/C/Q/HRV/2; CRC/C/RESP/69; HRI/CORE/1/Add.32/Rev.1)

1. At the invitation of the Chairperson, Ms. Cvjetko, Ms. Hrabar, Ms. Huljev, Ms. Jelavić, Ms. Kuzmanić Oluić, Mr. Markotić, Ms. Matijević, Ms. Pećanac, Mr. Šetić, Mr. Soćanac and Mr. Žganec (Croatia) took places at the Committee table.
2. Mr. ŽGANEC (Croatia) said that, since the consideration of Croatia's initial report in 1996, the Criminal Code, the Criminal Procedure Act and the Family Act had been amended. Those measures had strengthened the rights of the child, as had the new Act on Protection against Domestic Violence, the Act on the Ombudsperson for Children and the Act on the Award for Promotion of the Rights of the Child. In accordance with the Croatian Constitution, the Convention took precedence over domestic legislation and could be invoked directly.
3. The Government had brought together all the institutions involved in childcare under the Ministry of Family. The National Action Programme for Children, which was supervised by the Council for Children, had set out priorities for 2003-2005 that targeted the most vulnerable groups of children, such as neglected or abused children, children with disabilities and children endangered by the consequences of war. The Council also planned to finance the activities of non-governmental organizations (NGOs) in the area of child protection and children's rights, which included the establishment of a network of family centres.
4. Several policy documents had been produced, including the National Family Policy, the National Strategy for Persons with Disabilities and the National Action Programme for Adolescents. The Activity Programme for the Prevention of Violence among Children and Adolescents had been motivated by research showing that the incidence of child abuse in Croatia was higher than the European average. The National Plan for the Prevention of Trafficking in Persons had also been drawn up, as well as a national plan to combat poverty and social exclusion.
5. The Office of the Ombudsperson for Children, which had been established in October 2003, was responsible for monitoring and promoting children's rights. A community centre for abused children had been opened in Zagreb in December 2002. A project entitled "Safe and Enabling Schools", which was being carried out in conjunction with the United Nations Children's Fund (UNICEF), had raised public awareness of violence - particularly bullying - in schools. The project would continue until the end of 2004, when the results would be analysed. Croatia had strengthened its links with other United Nations agencies and NGOs in an effort to promote and protect children's rights.
6. Ms. SMITH, Country Rapporteur, said that the Committee noted with satisfaction that the Government had withdrawn its reservation to article 9, paragraph 1, of the Convention and had ratified both Optional Protocols and several other important human rights instruments.
7. She asked how the Government viewed cooperation with NGOs, particularly since it had not consulted them during the drafting of its second periodic report. She wished to know how many people worked in the Office of the Ombudsperson for Children, what the Office's budget

was, and whether it had time to meet all its obligations. The reporting State should clarify whether the Council for Children had been re-established after the 2003 elections, and whether it was still organized into four working groups. More information on the Council's activities, working methods, and effectiveness should be provided. She asked whether the current Government was implementing the National Action Programme for Children; if so, the delegation should explain what measures had been carried out.

8. In the light of the increasing numbers of children who had died or been injured in traffic accidents in Croatia, she asked whether it was mandatory to wear seat belts and for babies and young children to travel in special safety seats.

9. The reporting State should clarify whether there was any discrimination against Roma children or children from other minority groups. She asked whether children had the right to decide on issues that concerned them. The reporting State should also indicate how the best interests of the child were guaranteed in all the legislation concerning children.

10. Mr. KOTRANE, Alternate Country Rapporteur, commended the State party on its ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Rome Statute of the International Criminal Court, International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

11. The reporting State should clarify the status of the Criminal Code, the amendments to the Constitutional Law on Human Rights and Freedoms and the Constitutional Act on the Rights of National Minorities, the Act on Education in the Language and Script of National Minorities, and the Family Act. It was unclear whether the amendments had entered into force and whether they had been enacted by the courts.

12. He asked how the Council for Children coordinated its work with other bodies that protected children's rights, particularly the National Institute for the Protection of Family, Maternity and Youth. He enquired whether the National Action Plan for Children had entered into force.

13. In the light of the pressure exerted on the Office of the Ombudsperson for Children after its criticism of racial segregation in schools, the State party should indicate what measures the Government planned to take to ensure the independence of the Ombudsperson.

14. He asked what steps the Government would take to ensure that the data provided in future reports conformed to the Committee's requirements.

15. While the Government had made efforts to apply the principle of non-discrimination, several problems remained. The reporting State should provide additional information on measures to clarify the definition of ethnic minorities. He enquired about plans to introduce legislation prohibiting incitement to racial discrimination and violence, and to ensure that effective investigative procedures and legal proceedings were in place to prosecute perpetrators of such acts.

16. Ms. OUEDRAOGO requested further information on the work of bodies that implemented legislation on children's rights. She wished to know if a complaints mechanism had been established for children, and whether the Office of the Ombudsperson for Children could receive complaints from individuals and, if so, how such cases were handled. Efforts should be made to develop a compulsory human rights training system for teachers, with emphasis on children's rights, and to incorporate human rights issues into school curricula. She asked how minority groups were informed about children's rights, and what measures were taken to incorporate human rights into education programmes for minority children.

17. She asked under what circumstances a child's name could be changed in accordance with the Personal Name Act, since that might affect the right to the protection of identity. Since the Children's Forum project involved only children between the ages of 9 and 14, she wished to know whether any measures were being taken to allow 15- to 18-year-olds to participate in decisions that affected them. She requested additional information on the application of laws regarding corporal punishment; in particular she wished to know how corporal punishment was monitored in families, children's centres and educational institutions. She enquired how the Government intended to ensure the registration of births among indigenous peoples, particularly the Roma. The delegation should state whether the Government planned to improve protection of the private life and best interests of children, and how offences in that regard were dealt with.

18. Ms. VUCKOVIC-SAHOVIC wished to know how the Government planned to guarantee the long-term operation of institutions that dealt with children's issues. Although the media were prohibited by law from revealing children's names under certain circumstances, they were not prevented from mentioning the names of parents, and she asked whether regulations on respect of privacy by the media would be strengthened. She enquired whether there was any specific legislation to guarantee privacy in institutions for children without parental care, or institutions for disabled children, and whether any measures had been taken to raise awareness among the staff of such institutions of the child's right to privacy.

19. Ms. CHUTIKUL asked whether the Council for Children dealt with children up to the age of 15 or up to the age of 18, as defined in the Convention. The delegation should explain the legal distinction between a child and an adolescent, and should explain how the work of the two Councils was coordinated. She wished to know what were the functions of the working groups that cooperated with local and regional administrative bodies, and she requested further information on the mandate of the working group on ethics and media activities.

20. The Committee had been informed that government ministries in Croatia had been slow to implement amended legislation, and she asked whether any remedial measures had been taken in that regard. She also asked why the budget allocation to the Ombudsperson for Children had been decreased, and whether it was likely to be increased in the future. She wondered whether cases that came before the Office of the Ombudsperson had already been investigated by other bodies, or whether the Office was usually the first body to receive a complaint. She wished to know how the Office of the Ombudsperson coordinated its work with the local authorities.

21. The delegation should state the time frame for the implementation of the National Action Programme for Children, and whether the measures contained in the Programme were based on the provisions of the Convention. She asked whether the Programme included measures for implementing the Declaration and Plan of Action of “A World Fit for Children”, and whether a set of indicators had been developed for monitoring its implementation and impact.

22. Mr. KRAPPMANN asked whether any initiatives had been taken to improve the effectiveness of projects such as the children’s city council and the Children’s Forum, and to implement the plan to establish a youth parliament. He wished to know whether the Government would consider conducting an awareness-raising campaign on the right of children to be heard by society.

23. Ms. KHATTAB asked why the draft constitutional law on the rights of national minorities had been withdrawn. She enquired what measures were being taken to discourage discrimination against Serbs and Muslims, particularly with regard to the rights of owners returning to their property. She enquired what measures were being taken to overcome the divisions caused by the war, and how inter-ethnic dialogue had been incorporated into school curricula. The Committee had been informed that the education system in Croatia did not grant children the right to be heard, and information about measures taken to rectify that situation would be appreciated. She enquired whether all children had equal access to quality education, and whether quality health care was available to all.

24. She wondered what the criteria were for allocating funds to education, and whether all government ministries had an adequate understanding of children’s needs. According to the report, there was no specific body to deal with the prevention of child suicides or parents who committed murder, and she wished to know how serious those problems were and whether any measures were being taken to prevent them.

25. Ms. LEE said that the information provided in the Government’s written replies (CRC/C/RESP/69) regarding budget allocations for education was confusing. She wished to know whether specific funding had been allocated for education, or whether there were plans to make specific allocations in future. She also wished to know whether the Government funded special education and pre-primary education.

26. Mr. CITARELLA said that, although a considerable number of legislative changes had been made in Croatia, there were still aspects of children’s rights for which legislation was lacking. Further information would be appreciated on measures taken to rectify the problems faced by refugees returning to their property. Information should also be provided on efforts to encourage a national dialogue and inter-ethnic reconciliation. The delegation should provide more detailed statistics on budget allocations, in particular the percentage of the national budget allocated to the implementation of regional children’s programmes. He asked how much funding was required to ensure the effective application of the National Action Programme for Children. Certain elements of Croatian legislation, such as the law on national minorities, appeared to be ineffective owing to a lack of human and financial resources, and he wished to know what was being done to rectify that situation.

27. Regarding the definition of the child, he said that, although the minimum age of criminal responsibility in Croatia was 14, the amended Criminal Code stated that children under the age

of 14 were subject to certain trial procedures. He asked whether that regulation constituted a decrease in the minimum age of criminal responsibility. He wondered whether measures had been taken to ensure that all children had access to education in their national language.

28. Mr. LIWSKI wished to know whether the programmes for the prevention of violence contained measures that dealt specifically with violence in detention facilities. He asked whether there were any strategies for improving human rights training for personnel involved in the detention of minors. He also asked whether any specific cases of institutional violence against children had been detected, whether the Office of the Ombudsperson for Children paid attention to that issue.

29. Mr. FILALI said that the delegation should provide information on how Croatia's new legislation to protect children was enforced. He wished to know to what extent the Ombudsperson for Children was independent, what his or her professional background was, and how the Government ensured that sufficient funding was allocated to the Office of the Ombudsperson. Further information on the procedures for receiving and investigating complaints from parents and children would be welcome.

30. He wished to know how the Council for Children monitored the implementation of the Convention and the implementation of legislation on children, and how it coordinated its work with the Office of the Ombudsperson. He also wished to know whether all authorities applied an objective definition of "minority". He asked what the general legal understanding was of the concept of the best interests of the child, and whether that understanding conformed to the provisions of the Convention.

The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.

31. Mr. ŽGANEC (Croatia) said that the National Institute for the Protection of Family, Maternity and Youth, which had previously been responsible for all children's rights issues, had been incorporated into the Ministry of Family, Defenders and Intergeneration Solidarity, the mandate of which was currently being revised. The provisions of the Convention had been incorporated into Croatia's National Action Programme for Children, which had strictly defined time limits for the fulfilment of each of its activities. The activities of all State institutions and programmes for children's welfare, including the Council for Children, were coordinated by an inter-ministerial coordination group on social affairs.

32. The Government had made the National Action Programme for Children its top priority. Government ministries had been strengthened in recent years and were making every effort to accomplish the various tasks assigned to them under the Programme.

33. Although there were no specific funds for children, social welfare and support programmes for families targeted both children and adults. The exact amount of funds spent on children would be difficult to calculate because the Government did not monitor the allocation of funds.

34. The CHAIRPERSON asked whether local governments had funds other than those provided by the federal Government.

35. Mr. ŽGANEC (Croatia) said that local governments had their own funds and the authority to decide how those funds should be allocated.
36. Ms. LEE said that one of the drawbacks of government decentralization was that services for persons most in need of assistance could be jeopardized. She would be interested in having at least an estimate of local government funding for children. The fact that the Government had no way of monitoring the allocation of funds was a matter of concern.
37. Mr. CITARELLA asked whether the Government knew how much local governments spent on primary education. He would be interested in knowing how the Government planned to finance the National Action Programme for Children.
38. Ms. SARDENBERG asked how the national programme to combat poverty and social exclusion was reflected in the budget and what measures were being contemplated to assist people living below the poverty line.
39. Mr. ŽGANEC (Croatia) said that at least 5 per cent of municipal budgets had to be earmarked for social welfare assistance. However, the situation in different municipalities varied, as did the amount of the allocations. Social issues did not play a sufficiently important role in Croatia's policies, and further efforts would be needed to rectify the situation. According to the National Bureau of Statistics, 18 per cent of the population lived below the poverty line.
40. Mr. ŠETIĆ (Croatia) said that the Ministry of Science, Education and Sport was making every effort to ensure that financial resources were equally distributed among over 540 municipalities. A number of programmes had been introduced to provide financial assistance to gifted children and to support children with disabilities. Steps had also been taken to include children from poor families in such programmes.
41. Ms. MATIJEVIĆ (Croatia) said that 12 people were employed in the Office of the Ombudsperson: the Ombudsperson, two deputies, advisers, psychologists and legal advisers. The Government allocated about €400,000 to the Office every year. To her knowledge, no government body had ever tried to exert pressure on the Office of the Ombudsperson.
42. Under a new law on traffic safety, all children had to wear seat belts, children under the age of 12 were not allowed to sit in the front seat, and the acceptable blood alcohol level for drivers was 0 per cent.
43. Mr. ŠETIĆ (Croatia) said that, at the beginning of every school year, special campaigns were organized in cooperation with the police to monitor traffic in the vicinity of schools.
44. Ms. MATIJEVIĆ (Croatia) said that children wishing to contact the Ombudsperson could either go directly to the Office or contact it by phone. Phone calls to the Office were free of charge. Every effort had been made to facilitate children's access to the Office and to create an informal atmosphere. The Office had issued and distributed special pamphlets for children, which contained its contact information and details on its activities. The contact information was also announced on radio and television. In addition, the Office had established close links with a number of head teachers and encouraged them to inform children of the Office's activities.

45. Starting from the eighth grade, schoolchildren were introduced to human rights issues in history lessons. In addition, the Office had published brochures containing information on human rights.

46. Ms. VUCKOVIC-SAHOVIC asked whether the Office cooperated with NGOs.

47. Ms. MATIJEVIĆ (Croatia) said that the Office worked in close cooperation with NGOs.

48. Ms. HULJEV (Croatia) said that new legislation had been enacted to protect the rights of national minorities, including the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities; the Act on the Use of Language and Script of National Minorities; and the Act on Education in the Language and Script of National Minorities. The right to receive mother tongue instruction in Croatia was guaranteed from pre-school to the highest level of education. There were three models for such instruction: according to the first model, students received all instruction in their mother tongue, provided that they learned Croatian as a second language; the second provided for social subjects to be taught in the mother tongue and sciences to be taught in Croatian; and the third model, used mostly in primary schools, consisted of five hours of mother tongue instruction per week.

49. Mr. KRAPPMANN asked whether the Government considered the Roma to be a national minority.

50. Ms. SARDENBERG said that the problem of language was only one aspect of discrimination against Roma children. She was concerned about the many reports that she had received of segregation in schools and the use of simplified curricula for Roma children. Such practices could have long-term negative consequences for Roma children. The delegation should provide information on what steps had been taken to integrate Roma children into mainstream education.

51. Ms. HULJEV (Croatia) said that some primary classes consisted exclusively of Roma children because the population of the surrounding settlements was almost exclusively Roma, and not because a conscious attempt had been made to segregate Roma children. Since most Roma children did not speak Croatian, it had not been possible to apply any of the models of mother tongue instruction to them. The Government had developed a national programme for the Romany, which placed strong emphasis on education. It included a programme to teach Croatian to 340 pre-school Roma pupils in an effort to integrate them into mainstream schools at the primary level. Efforts had also been made to integrate Roma children from the third year of primary school onwards in order to ensure the gradual elimination of classes consisting exclusively of Roma pupils.

52. Ms. SMITH asked what steps had been taken to provide guidance for parents in raising their children. She enquired whether the fund to provide assistance to children living with single parents was operational. She wished to know why only 30 per cent of children in Croatia were enrolled in pre-school education, and she asked whether a system of childcare workers had been set up.

53. She requested information concerning the conditions in State-run facilities for children deprived of a family environment. She asked for additional information on the selection and

monitoring of foster families. More information should be provided on how children with behavioural problems were treated and whether they were placed in the same institutions as children guilty of criminal offences.

54. Mr. KOTRANE asked whether any efforts had been made to encourage families to provide foster homes for children. He wished to know what was being done to prevent improper practices in the area of intercountry adoptions. He enquired whether social workers could separate children from abusive parents without the intervention of the courts. He wondered whether the general population considered it an obligation to report instances of child abuse.

55. He asked what programmes had been developed to deal with the problems of alcohol and drug abuse. He requested additional information on poverty and its impact on access to health care and services, particularly care and services for minorities. He wished to know what steps had been taken to prevent the ill-treatment of students by teachers. Teachers should receive human rights instruction prior to teaching human rights to children. He enquired whether schools intended to focus attention on promoting tolerance and friendship in school.

56. Ms. LEE requested information on the preparation of the second periodic report. She asked whether curricula used in exclusively Roma classes were evaluated by officials to ensure their quality. It was not clear whether the amendment of the Social Welfare Act applied to disabled children. She requested information on the integration of disabled children into mainstream education. The delegation should explain why such a high number of children did not attend school and why twice as many Roma children did not attend school as those who did. She asked why so many children had been placed in foster homes and what were the reasons for the reported increase in violence in children's residential institutions.

57. Mr. CITARELLA asked whether most Roma children in Croatia were of Croatian or foreign nationality. He enquired whether Croatia had any legislation to prohibit incitement to racial discrimination and violence. The delegation should explain what effect new legislation in the area of juvenile justice had had on the minimum age of criminal responsibility. He was concerned that the obligation to provide legal assistance was compulsory only for children who had been convicted of major crimes. He requested additional information on internment centres, particularly with respect to overcrowding. He enquired whether children could be placed in the same facilities as adults.

58. Ms. KHATTAB asked what steps had been taken to ensure that all children, particularly children whose parents were Croatian citizens or children who did not attend school, had access to health care. She wondered what forms of assistance existed for children from the poorest segments of the population, and whether any data had been collected on the impact of poverty in terms of children's access to health care and education. She asked how persons who sexually exploited children in pornographic media were punished. She wished to know what criteria were used to select refugee children for assistance programmes. The delegation should comment on the lack of textbooks and educational materials for such programmes.

59. Ms. AL-THANI asked what measures had been taken to ensure that disabled children were integrated into society from both the social and educational standpoints. She wished to know why the number of disabled children placed in institutions was increasing. It was not clear whether the tables in the written replies that referred to children with behavioural problems meant children with disabilities or children in conflict with the law.

60. She wished to know what kind of sex education was provided for adolescents, particularly with respect to HIV/AIDS prevention. She asked what mental health services were offered to adolescents to prevent suicide and drug addiction. She asked what measures had been taken to increase safety in the home, since domestic accidents were a major cause of child mortality in Croatia.

61. She was concerned that mothers were generally not allowed to stay with their hospitalized children. According to information that she had received, the free samples provided to new mothers contained breastmilk substitutes in contravention of the International Code of Marketing of Breastmilk Substitutes.

The meeting rose at 1 p.m.