



PERMANENT MISSION OF THE REPUBLIC OF CROATIA  
TO THE UNITED NATIONS OFFICE  
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OHCHR REGISTRY

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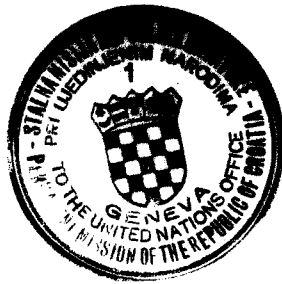
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No. 123/04

The Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit the responses of the Government of the Republic of Croatia to the questionnaire sent by Mr. Paulo Sergio Pinheiro, Independent expert on violence against children.

The Permanent Mission of the Republic of Croatia avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 14 September 2004



OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS  
GENEVA

## **I. LEGAL FRAMEWORK**

### International human rights instruments

1.

The Republic of Croatia has ratified below specified Conventions and Protocols providing enhancement of legal protection of children:

- Convention on the Rights of the Child (ratified in 1991)
- UN Convention against Transnational Organized Crime, Protocol for Prevention, Elimination and Punishing of Trafficking in People, Specially Women and Children, and Protocol against Trafficking in Migrants by Land, Sea and Air, supplementing UN Convention against Transnational Organized Crime («Official Gazette» - International treaties, no 14/2002, ratified on 7 November 2002)
- Convention on Cybernetic Crime («Official Gazette» - International treaties, no 9/2002, ratified on 3 July 2002),
- Facultative Protocol with the Convention on the Rights of the Child, on Trafficking in Children, Prostitution of Children and Child Pornography («Official Gazette» - International treaties, no 5/02, adopted by the Croatian Parliament on its session held on 21 March 2002)
- Facultative Protocol with the Convention on the Rights of the Child, about Inclusion of Children into War Conflicts («Official Gazette» - International treaties, no 5/02, adopted by the Croatian Parliament on its session held on 21 March 2002)
- International Convention against Mobilization, Use, Payment and Training of Mercenaries («Official Gazette» - International treaties, no 12/1999, ratified on 24 September 1999),
- Convention on Protection of Human Rights and Dignity of Human Being Regarding Application of Biology and Medicine: Conventions on Human Rights and Biomedicine, Supplementary Protocol with the Convention on the Protection of Human Rights and Dignity of Human Being Regarding Application of Biology and Medicine Concerning Prohibition of Human Beings' Cloning, and Supplementary Protocol with the Convention on Protection of Human Rights and Dignity of Human Being Regarding Application of Biology and Medicine Concerning Transplantation of Organs and Tissue of Human Origin («Official Gazette» - International treaties, no 13/2003, ratified on 14 July 2003).

Apart from above specified, the stipulations of the criminal legislation of the Republic of Croatia have been harmonized with the recommendations of the United Nations and Council of Europe, specially with below recommendations:

- Council of Europe Recommendation no R (90) 2 on Social Measures Concerning Violence Within Family
- Council of Europe Recommendation no R (91) 11 on Sexual Abuse, Pornography, Prostitution and Trafficking in Children and Younger Majors.

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Legal provisions on violence against children

2.

Legal stipulations on violence against children in the Republic of Croatia, in accordance with Article 1 of UN Convention on the Rights of the Child, are applied to all persons below 18 years of age.

The legislation of the Republic of Croatia contains a wide variety of stipulations concerning violence against children, protecting interests of children through a wide scope of laws, such as:

➤ the Constitution

This act stipulates that nobody can be exposed to any kind of violence or to medical and scientific experiments without his/her own consent, and that forced and compulsory labour is forbidden (Art. 23).

➤ the Criminal Law

Withinh Criminal Law all criminal acts of violence against children have been divided into five groups of criminal acts. These are: Criminal acts against life and body; Criminal acts against freedom and rights of man and citizen; Criminal acts against sexual freedom and morality; Criminal acts against marriage, family and youth, and Criminal acts against values protected by international law.

➤ the Law on Protection Against Family Violence

This Law defines the term of the violence in the family as a misdemeanor, it also defines the circle of persons to be considered family members, the manner of family members' protection, as well as the kinds and purpose of misdemeanor sanctions. The law defines the term *family*, defining that the circle of persons who can be the victims of violence includes both marital and extramarital children, adopted children and children under guardianship. The Law also defines *violence in family*, stipulating that it is any application of physical force and psychical force towards the integrity of a person, causing the feeling of fear or being personally endangered, including physical and verbal attacks, sexual harassment, etc.

➤ the Law on Criminal Proceedings

The Law stipulates strenghtened protection of children and minors.

➤ the Law on Youth Courts

This Law contains comprehensive list of penal stipulations intended for strenghtened protection of children and youth against criminal behaviour of adults and specifics of court proceedings in these cases.

➤ the Family Law

The Family Law stipulates that parents and other family members must not expose a child to humiliating treatment, mental or physical violence, i.e. abuse. This Law also provides measures which competent institutions (social welfare centers, courts) can implement in cases of violence against children.

The Government of the Republic of Croatia has adopted a wide variety of documents (strategies, programmes) on the national level, describing measures and activities (and their bearers and deadlines) connected with violence against children. These documents are:

➤ the National Programme of Action for Children in the Republic of Croatia, adopted by the Government of the Republic of Croatia on 1 October 1998., and the

Priority Activities for the Wellbeing of Children in the Period from the Year 2003. till the Year 2005., adopted by the Government of the Republic of Croatia on 10 July 2003, as a supplement to the National Programme of Action for Children.

- the National Programme of Action for Youth, adopted by the Government of the Republic of Croatia on 16 January 2003
- the Programme of Action for Prevention of Violence among Children and Youth, adopted by the Government of the Republic of Croatia on 27 February 2004.

3.

With the goal of protection of children and minors, the legislator has entered into the Head XVI of the Criminal Law, defining criminal acts against marriage, family and youth, also the criminal act of *Neglect and abuse of children and minors* (Art. 213. of the Criminal Law – hereinafter: CL). This stipulation reads as follows:

*«(1) A parent, adoptive parent, guardian or other person severely neglecting his/her duties concerning care or education of a child or a minor,*

*will be punished by imprisonment in duration from three months up to three years.*

*(2) The punishment from Paragraph 1 of this Article will be applied to a parent, adoptive parent, guardian or other person who abuses a child or a minor, who subjects a child or a minor to the labour not suitable to its age, or to hard labour, or to begging, or who guides a child or a minor towards the behaviour harmful to its development, with material gain as a motive.*

*(3) In case the criminal act from the Paragraphs 1 and 2 of this Article causes severe physical injury of a child or a minor, or severe damage of its health, or a child or a minor indulges into begging, prostitution or other forms of asocial behaviour or delinquency, the perpetrator will be*

*punished by imprisonment in duration of three months up to five years.»*

As far as sexual delicts performed against children are concerned, the legislator differs the victimization of children (up to the age of 14) and of the minors (from the age of 14 up to the age of 18). Eight out of ten criminal acts against sexual freedom and morality of our Criminal Law imply the characteristics of acts intended for the protection of children and minors.

Four criminal acts have been intended exclusively for the protection of sexual integrity of children and minors, and these are:

- sexual intercourse with a child (Art. 192 of CL) – depending on the modality of the performance of the criminal act - imprisonment in duration from one up to fifteen years;
- lust satisfaction in front of a child or a minor (Art. 194 of CL) - imprisonment in duration of three months up to three years;
- use of children of minors for pornography purposes (Art. 196 of CL) – imprisonment in duration of one up to five years;
- making children familiar with pornography (Art. 197 of CL) – financial punishment or imprisonment in duration of up to one year.

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In special stipulations concerning five criminal acts, the legislator protects, beside majors, also a child or a minor, and provides a more severe penalty in case the criminal act has been perpetrated against a child or a minor:

- rape (Art. 188 of CL) – imprisonment in duration of three to fifteen years;
- sexual intercourse through abuse of the position (Art. 191 of CL) – depending on the modality of the performance of the criminal act - imprisonment in duration of three months up to three years;
- acts of indecency (Art. 193 of CL) - imprisonment in duration of six months up to five years;
- pimping (Art. 195 of CL) – depending on the modality of the performance of the criminal act - imprisonment in duration of three months up to ten years;
- incest (Art. 198 of CL) – depending on the modality of the performance of the criminal act - imprisonment in duration of six months up to eight years;

Beside above mentioned stipulations of the Criminal Law it is necessary to point out below stipulations of the very same Law concerning:

- trafficking in people and slavery (Art. 175 of CL)
- violation of the obligation of financial support (of the child)(Art. 209 of CL)
- deprivation of a child or a minor (Art. 210 of CL)
- change of a family status (Art. 211 of CL)
- abandoning a child (Art. 212 of CL)
- extramarital life with a minor (Art. 214 of CL)
- prevention and failure in implementation of the measures for the protection of a child and a minor (Art. 215 of CL)
- violent behaviour in family (Art. 215.a of CL).

Article 88 of the Family Law stipulates that parents and other family members must not expose a child to humiliating procedures, mental or physical violence, i.e. abuse. The same Law stipulates that everybody is bound to inform the social welfare centre about the violation of the rights of a child, specially about all forms of physical and mental violence, sexual abuse, neglect or negligent behaviour, abuse or exploitation of child. In case of each such complaint, immediately after receipt of such complaint, the social welfare centre is bound to examine the case and implement measures for protection of the rights of a child.

Measures which competent institutions (social welfare centres, courts) can implement in case they identify the violation of the rights of a child are:

- warning to the parents of the mistakes and omissions in the care and education of a child (with the possibility of directing them into the counselling centre or to the school for parents);
- guardianship of the performance of parental care, when the mistakes or the omissions in the care for a child are various and frequent, or in case parents need special help in education of a child (with the possibility of directing a child into a children's home with half-day or full-day sojourn, directing the parents or a child into a medical or other institution with the purpose of medical care or other expert help);
- the parent severely neglecting the care for a child or causing danger for appropriate education of a child, will be deprived of the right to live with a child and to take care of it, in extrajudicial proceedings, and the child will be committed to care and

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education to some other person, institution or legal person performing social welfare activity (the same measure will be applied to the parent who failed to inform the center in due time or who did nothing to protect a child from the activities of the other parent or family members, i.e. to the parent who did nothing to protect a child from harmful activities of other persons);

- in case parents or foster parents are not able to take appropriate care of a child, and the child has developed behavioural disturbances, the court will, in extrajudicial proceedings, entrust a social welfare institution with the care and education of the child;
- the parent abusing or violating severely his/her parental responsibility, obligations and rights, will be deprived of his parental care right by the court in extrajudicial proceedings.

It is considered that a parent abuses or violates severely his/her parental responsibility, obligations and rights, in case he/she abuses the child physically or mentally, including violence among adult family members; in case he/she abuses the child sexually; in case he/she abuses the child forcing it to hard labour or labour inappropriate to its age; in case he/she allows the child to consume alcohol beverages, drugs or other narcotics; in case he/she encourages a child to socially unacceptable behaviour; in case he/she abandons a child; in case he/she fails to ensure the preconditions for the life together with a child, for the child he/she does not live with, without specially reasonable cause; in case he/she fails to care for basic life necessities of a child he/she lives with, or he/she violates the measures previously pronounced by the competent body with the goal of the protection of the rights and wellbeing of a child, and in case he/she in some other manner violates the rights of a child.

The Family Law also stipulates that the court can, in extrajudicial proceedings, forbid to a parent, a grandmother or a grandfather, a sister or a brother, i.e. half-sister or half-brother, not living with the child, to approach a child without authorization in specific places or to a strictly defined distance, and to disturb it.

There are no special legislative stipulations concerning the compensation to the children victims of violence; the parents, i.e. the guardian of a harmed child, can demand compensation through civil lawsuit.

As far as the reintegration and rehabilitation of children - victims of violence is concerned, there are specialized experts for psychotherapeutic work with the victims of sexual and other forms of violence, in several major centers in the Republic of Croatia.

All children and adults – victims of violence have the possibility to receive counselling help in the social welfare centers by expert teams (social workers, psychologists). In accordance with the Law on Social Welfare («Official Gazette» no 73/97, 27/01, 59/01, 82/01 and 103/03), one of the rights within the social welfare system is counselling which represents systematic and programmed help, the purpose of which is successful overcoming of problems and difficulties, providing conditions for preservation and development of personal possibilities, and responsible relation of an individual towards himself/herself, family and society. Realization of the right to counselling is free of charge for the user.

Within the social welfare system there is also the right to accommodation outside one's own family, provided for, among others, children neglected by their parents or whose parents

abuse their parental obligations, for children with behavioural disturbances, and for children and adults – victims of family violence.

4.

Criminal acts specified within the answer to the question no 3 of the Questionnaire include various forms of family and home violence, school violence, pre-school violence, violence in military schools and institutions, providing institutional accommodation of minors.

The rest of the stipulations of the Criminal Law concerning major perpetrators of criminal acts are applied to the violence occurring in custody institutions and prisons, neighbourhood, working places and during sport activities and in sport grounds. They concern the delicts which can be perpetrated against a major and a minor. The circumstance that a minor is a victim of a criminal act represents an aggravating circumstance when deciding on the kind and the measure of the sanction.

Violence occurring in the social welfare institutions is being penalized in the same manner as any other violence, disregarding the place where it occurred. There are no special legislative stipulations concerning violence in institutions.

Misdemeanor in the sense of failure to respect house rules, or inappropriate behaviour towards other users, are penalized in accordance with the normative acts of the institution, which must be passed by the managers of these institutions.

5.

The Family Law stipulates that parents and other family members must not expose a child to humiliating treatments, mental or physical violence, i.e. abuse (Art. 88). A parent is also bound to protect a child from humiliating treatments and physical punishment of other persons (Art. 92). Everybody is bound to inform social welfare centre about the violation of the rights of a child, specially about all forms of physical or mental violence, sexual abuse, neglect or negligent treatment, abuse or exploitation of a child (Article 108). A social welfare centre will pronounce the measure of monitoring of the performance of parental care in case the mistakes and omissions in the care for a child are various and frequent, and when parents need special help in the education of the child, and the decision on the monitoring will include the programme of monitoring of the parents and the child and the name of the person in charge of the implementation of the programme (Article 110). The programme of monitoring can contain directing the child to a children's home with half-day or full-day sojourn, directing the parents or a child into medical or other institution with the purpose of medical care or other expert help (Article 110). In case a parent is abusing or violating severely his/her parental responsibility, the court can deprive him/her of his/her parental care right, on the basis of the proposition of the social welfare center (Article 114). It is considered that a parent is abusing or violating severely his/her parental responsibility in case he/she abuses the child physically or mentally, including violence among adult family members (Article 114). A parent, foster parent, a guardian or other person severely neglecting his/her duties of care and education of a child or a minor, will be punished in accordance with the Article 213 of the Criminal Law with imprisonment in duration of three months up to three years. The same punishment is intended for a parent, foster parent, a guardian or other person abusing a child or a minor, subjecting a child to the labour not appropriate to the age of a child, or to hard labour, or to begging, or who guides a child or a minor towards the behaviour

harmful to its development, with material gain as a motive (Article 213, Paragraph 2 of CL). In case criminal act mentioned in the Paragraph 1 and 2 of above mentioned Article 213 has caused severe physical injury of a child or a minor, or severe damage of its health, or a child or a minor indulges into begging, prostitution or other forms of asocial behaviour or delinquency, the perpetrator will be punished by imprisonment in duration of three months up to five years.

6.

The Criminal Law does not allow physical punishment and/or death penalty for criminal acts performed in the age of up to 18 years. Within the legal system of the Republic of Croatia there is no death penalty.

7.

Croatian legislation does not regulate bullying and hazing by explicit stipulations, and the child who performs such criminal act, depending on the severity of the act and age of the child, can be responsible for some of the criminal acts from the Criminal Law or the Law on Misdemeanor against Public Peace and Order.

8.

Traditional manners of treatment in the sense of physical punishment of children have been regulated in above mentioned Article 88 of the Family Law, i.e. it has been stipulated that a child must not be exposed to humiliating treatments, mental or physical violence, i.e. abuse, and that in case of violation of this stipulation, appropriate measures of family-legislative protection can be applied.

9.

All stipulations in the Croatia legislation, concerning the protection of children against violence, as well as all the stipulations concerning the protection of children generally, consider in the very same maner the children who are Croatian citizens and the children who are foreign citizens, the children with unknown country of origin, children seeking asylum, as well as displaced children.

The Criminal Law of the Crepublic of Croatia incriminates violence agains children in its Article 213 «Neglect and abuse of a child or a minor», and it is applied to all persons disregarding their citizenship, in case the criminal act has been perpetrated on the territory of the Republic of Croatia.

In accordance with the Family Law there are specific measures (for example, appointment of a guardian) to be applied to children when found on the territory of the Republic of Croatia without attendance and to children – victims of trafficking in people.

At the welfare care centers there has been organized all-day passive service – ready in case a child – foreign citizen is found without attendance of adults on the territory of the Republic of Croatia, and in case the child has to be exposed to inquiry procedure by the police, the employee of the center is bound to be present and to appoint a guardian, as well as to take care of the child.



10.

The Law on Protection Against Family Violence regulates family violence in its Article 4. Family violence is: any application of physical and psychical force towards the integrity of a person; any other act of one family member which can cause or is likely to cause physical and psychical pain; causing the feeling of fear or being personally endangered or hurting one's dignity; physical assault disregarding whether the outcome is physical injury or not; verbal attacks, insulting, cursing, calling names and other ways of rude treatment; sexual harassment; spying and all other ways of harassment; illegal isolation or limitation of freedom of mobility or of communicating with third persons; damage or destruction of property or an attempt to do so.

The Republic of Croatia does not recognize differences in legal stipulations based on the sex or sexual orientation of the victim and/or the perpetrator of the violence.

11.

The Law on the Changes and Amendments to the Criminal Law, dated July 2004, introduces a new criminal act *Child pornography on computer system or network*, in its Article 197.a. In the Article 175. of the Criminal Law – *Trafficking in people and slavery*, Paragraph 2, and in the Article 178 of the Criminal Law – *International prostitution*, Paragraph 3, children and minors are additionally protected.

*Article 175.*

*Trafficking in People and Slavery*

*(1) The person who, violating the rules of international law, using force or threatening to use force, through deception, kidnapping, abuse of position – helplessness or powers, or in some other way woos, buys, sells, delivers, transports, translates, stimulates or mediates in buying, sale or delivery, hides or accepts a person with the purpose of establishing slavery or a similar relationship, forced labour or serving, sexual exploitation, prostitution or illegal transplantation of parts of human body, or the person who holds a person in slavery or a similar relationship, will be punished by imprisonment in duration of one to ten years.*

*(2) The person who, violating the rules of international law, woos, buys, sells, delivers, transports, translates, stimulates or mediates in buying or sale, who hides or accepts a child or a minor with the purpose of establishing slavery or a similar relationship, forced labour or serving, sexual exploitation, prostitution or illegal transplantation of parts of human body, or the person who holds a child or a minor in slavery or a similar relationship. will be punished by imprisonment in duration of at least five years.*

*(3) In case criminal act from the Paragraph 1 or 2 of this Article has been perpetrated on behalf of a group or a criminal organization or has been perpetrated towards a greater number of persons or it caused death of one or more persons, the perpetrator will be punished by imprisonment of at least five years or by long-term imprisonment.*

*(4) It is irrelevant for the conclusion on the existence of the criminal act from the Paragraph 1 and 2 of this Article whether the person gave his/her consent to forced labour or serving, sexual exploitation, slavery or relationship similar to slavery, or illegal transplantation of parts of his/her body.*

*Article 178.  
International prostitution*

*(1) The person who allures, woos or stimulates another person to delivery of sexual services, with the goal of material gain, in the country other than the country where the latter resides and has the citizenship, will be punished by imprisonment in duration of six months up to five years.*

*(2) The person who, using force or threatening to use force or by deceit, forces or leads another person to go to another country in which the latter has no residence and no citizenship, with the purpose of delivery of paid sexual services, will be punished by imprisonment in duration of one up to eight years.*

*(3) In case the criminal act from the Paragraph 1 and 2 has been perpetrated towards a child or a minor, the perpetrator will be punished by imprisonment of at least three years.*

*(4) The circumstance that a person allured, wooed, stimulated or forced or led by deceit to the prostitution has or has not already been engaged in prostitution, is irrelevant for the conclusion on the existence of the criminal act from this Article.*

12.

Most of recent studies and research have been directed towards the phenomenology of violence against children.

As far as prevalence of violence against children in the Republic of Croatia is concerned, there has been a very interesting research conducted by the Polyclinic for the Protection of Children of the City of Zagreb in the year 2003, in 25 primary schools on school violence among children. The questionnaires were filled in by 4900 pupils from 4th to 8th grade in 13 cities in Croatia. Data have shown that 27% of pupils had experienced at least one of school violence forms almost every day. 19% of them are passive victims (they just experience violence), whereas 8% of children are «provocative victims» (they experience violence, but they perpetrate it as well). 16% of children are violent towards other children every day, 8% of them not being the victims of violence themselves. At the moment there is a research within the programme «Stop to Violence Among Children» on the prevalence of violence among children of the UNICEF Office for Croatia going on, and there is an obligation to conduct a research of the number and forms of occurrence of violence among users of child's homes without appropriate parental care and child's homes and youth with behavioural disturbances, as well as the obligation of realization of the same research among children and youth in educational institutions. Both mentioned obligations derive from above mentioned Programme of Action for Prevention of Violence Among Children and Youth, adopted at the end of February 2004 by the Government of the Republic of Croatia.

Courts tasked with addressing violence against children

13.

The Law on Youth Courts, being a special law regulating the proceedings of the Courts and other bodies in the Republic of Croatia towards minors and younger majors – perpetrators of criminal acts, contains special stipulations on criminal acts perpetrated against children and minors, and specifies criminal acts for which Youth Courts are in charge. This concerns criminal acts specified in the answer to the question no. 3 of this Questionnaire, and some other criminal acts specifically protecting children. Proceedings in cases of violence against children lie within special competence of County Courts – Youth Courts.

Minimum age for sexual activity

14.

Croatian criminal legislation has defined that only after having reached 14 years of age a person can have sexual intercourse with his/her free will, whereas there are a lot of criminal acts specified in the Criminal Law protecting sexual integrity of a child up to 14 years of age. Criminal Law of the Republic of Croatia does not differ above mentioned prohibition based on sex, i.e. the same limitations are applied to both sexes.

15.

The Family Law stipulates that a person not having reached the age of 18 can not enter into a marriage. Exceptionally, the court can, within extrajudicial proceedings, allow entering into a marriage to a person who has reached 16 years of age, in case it is obvious that this person is mentally and physically mature for marriage, and that there is a justified reason for marriage. In the proceedings concerning the proposal of entering into a marriage before majority, the court will examine the minor who made the application, his/her parents, i.e. guardian, and the person he/she intends to enter into marriage with, and the court will ask for opinion of the social welfare center and examine the circumstances important for the final decision.

Sexual exploitation of children

16.

The Article 175 of the Criminal Law «Trafficking in People and Slavery» regulates the criminal act of exploitation of children, including prostitution and other illegal sexual activities. Such person can be punished with imprisonment in duration of at least five years. In case such act has been perpetrated on behalf of a group or a criminal organization, or it has been perpetrated towards a greater number of persons, or it caused death of one or more persons, the perpetrator will be punished by imprisonment of at least five years or by long-term imprisonment (40 years).

Pornography and harmful information

17.

Within the group of the criminal acts against sexual freedom and sexual morality, the legislator has specially incriminated the criminal act «Exploitation of children or minors for pornography» (Art. 196), as well as the criminal act «Making children familiar with pornography» (Art. 197).

The Law on Amendments of the Criminal Law dated 2004 introduces new criminal act «Child pornography on computer system or network».

Hereinafter one can find the survey of the stipulations of the Criminal law which forbid production, possession and distribution of child pornography produced and/or distributed through Internet:

Exploitation of children or minors for pornography  
Article 196

*(1) The person who photographs a child or a minor for the purpose of production of photographs, audio-visual material or other items with pornographic contents, or the person who possesses or imports or sells or distributes or displays such material, or leads these persons towards participation in a pornographic show, will be punished with imprisonment in duration of one to five years.*

*(2) The items which were intended for or used for perpetration of the criminal act from the Paragraph 1 of this Article, will be taken away, and the items which derived from the perpetration of the criminal act from Paragraph 1 of this Article, will be taken away and destroyed.*

Making children familiar with pornography  
Article 197

*(1) The person who sells, gives as a present, display or makes accessible through public display the documents, photographs, audiovisual and other items with pornographic contents to a child, or shows him/her a pornographic show, will be punished financially, or with imprisonment in duration of up to one year.*

*(2) The items which were intended for or used for perpetration of the criminal act from the Paragraph 1 of this Article, will be taken away, and the items which derived from the perpetration of the criminal act from Paragraph 1 of this Article, will be taken away and destroyed.*

Child pornography on a computer system or network  
Article 197.a

*(1) The person who uses a computer system or network in the production, offering, distribution, personal acquisition or acquisition for somebody else, or who possesses on computer data storage media pornographic contents showing children and minors in sexually explicit behaviour, or are focused on their sexual organs,*

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will be punished with imprisonment in duration of one to ten years.*

*(2) The person who makes accessible to a child, through a computer system, network or computer data storage media, the photographs, audio-visual contents or other items with pornographic contents, will be punished financially, or with imprisonment in duration of up to three years.*

*(3) Special instruments, tools, computer programmes or data used or adjusted for the perpetration of the criminal act from the Paragraphs 1 and 2 of this Article, will be taken away.*

Last year the Ministry of Interior Affairs of the Republic of Croatia realized a big success in the field of elimination of child pornography via Internet. On the basis of the information obtained from Interpol Wiesbaden, about an unknown person who is looking for exchange of photographs and video materials with child pornography contents through USENET, the Ministry performed relevant investigation and identified a Croatian citizen who was looking for such contents via HT-Hinet. The analysis of the contents and the contacts the perpetrator had with other persons, also dealing with child pornography, led to 7 more Croatian citizens who possessed or distributed child pornography. Further investigations of relevant services resulted in identification of 252 persons in 30 countries who were engaged in similar activities, and the estimates of the Ministry of Interior Affairs are that total number of persons who will be identified by this investigation will be approximately 2000.

18.

The answer to question 17. includes the answer to this question as well.

The Law on Media stipulates that media are bound to respect privacy, dignity, reputation and honour of the citizens, particularly children, youth and family, disregarding the sex or sexual orientation, and that it is forbidden to disseminate information disclosing the identity of a child in case the wellbeing of the child is being endangered in this way (Art. 16). The same Article stipulates that media are bound to respect the right to the protection of identity of the witnesses and victims of criminal acts, and they are not allowed to disclose their identity without their consent.

Croatian Radio&Television (in accordance with the Law on Croatian Radio&Television, Art. 6) must respect in its programmes the principles of journalist ethics, of the pluralism of ideas and views of life, of the tolerance in discussions, of the privacy and other freedoms and rights of man, and it must prepare a Code of Work and Behaviour of the Employees. At the same time, informative, cultural, educational and entertaining contents must be represented in equal proportions in the programmes of the Croatian Radio&Television (Art. 8).

We'd also like to mention here one long-term measure of the Programme for Prevention of Violence Among Children: «The regulations concerning Croatian Radio&Television must be supplemented with the sanctions for violation of the programme guidelines according to which it is forbidden to broadcast information containing immoral or pornographic contents and stimulating and exalting violence and crime, non-tolerance and other contents harmful to physical, social and moral development of children and youth, and it is forbidden to enter them into the programme schemes in the periods of the day when it is likely that children and youth might see them. The regulations on media must be supplemented with the stipulations

protecting rights and interests of children and youth, and it is necessary to define the sanctions for violation of these stipulations.»

#### Reporting obligations relating to violence against children

19.

The Law on Criminal Proceedings stipulates that all public administration bodies and all legal persons are bound to report on the criminal acts prosecuted *ex officio*, criminal acts reported to them or those about they found out themselves (Art. 171).

The Family Law stipulates that everybody is bound to inform social welfare center on the violation of a child's rights, specially on all forms of physical or mental violence, sexual exploitation, neglecting or negligent treatment, abuse or child exploitation. In case of any of these reports, social welfare centre is bound to examine the case immediately upon the receipt of such a report and undertake measures for the protection of the rights of a child.

The Law on Protection Against Family Violence also stipulates that a medical employee, a social welfare employee, a psychologist, a social worker, a social pedagogue, an educational institution employee, are bound to report to the police or to General Attorney's Office on the violence in the family about which they found out in the line of their duty. Violation of this stipulation is considered to be a misdemeanor (Art. 5).

The Criminal Law in its Article 300 stipulates that everybody is bound to report on the criminal act he/she has noticed, including the delict of violence perpetrated against a child. There is a more severe penalty stipulated for an official or competent person who fails to report on the perpetration of a severe criminal act about which he/she found out in the line of her/his duty.

This specially concerns a medical doctor, a stomatology doctor, a midwife or other medical employee, a psychologist, a notary public and an employee dealing with guardianships, in such a heavier.

The answer to the question no 20 contains a table which represents the answer to this question as well.

#### Complaints procedures

20.

According to the information gathered by the Ministry of Health and Social Welfare from the social welfare centres, during the year 2003 there were 1533 reported cases of violation of parental obligations and rights, 1403 cases of these being the cases of physical and mental violence against children, 71 cases being the cases of sexual exploitation of a child and 59 cases of encouragement of a child to socially unacceptable behaviour.

Most of the reports were forwarded to the social welfare centers by the police, or the employees of the social welfare centre who themselves found out about violation of parental obligations and rights during the realization of the proceedings concerning realization of social welfare rights or legal family protection.

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In comparison to previous years there is a noticeable raise of reported cases of parental obligations and rights' violation. It is disputable whether this is a reflection of the real change of the prevalence of these cases, or the awareness of the family violence victims themselves contributed to the trend of reporting of these acts, as well as wider sensibilization of competent services and public for this complex issue.

As far as reported cases of abuse of children by other persons, there were 674 reports during the year 2003 in the social welfare centers, 580 of which concerning physical and mental violence against children, 70 for sexual exploitation of children, and 56 for encouragement of children to socially unacceptable behaviour. One can notice the raise of the number of this reports in comparison to previous years.

In cases of all forms of violence against children police officers act in accordance with the stipulations of the following laws: the Law on Criminal Proceedings, the Criminal Law, the Law on the Police, the Law on Protection Against Violence in Family. We'd like to point out that the need for harmonization and standardization of the activities of all the public administration services dealing with the protection of children in cases of violence against children was recognised, and we have in preparation procedure the Protocol on Interdepartmental Proceedings, which should clearly determine the tasks of each public administration body competent for various activities connected with the protection of children, which should also define the system of cooperation and interdepartmental reporting.

Below table shows data concerning complaints:

**Persons sentenced for violence against children:**

	2001.	2002.	2003.
Physical violence	7 2,5%	9 2,5%	11 2,0%
Mental violence	7 2,5%	2 0,5%	
Sexual violence	5 1,8%	2 0,5%	1 0,2%
Encouragement of children to socially unacceptable behaviour		1 0,2%	
Abuse of parental rights	7 2,5%	1 0,2%	2 0,4%
Abuse of children's rights	19 6,8%	18 5,1%	15 2,8%
Abuse of children's rights by other persons	38 13,7%	32 9,0%	35 6,5%
Abuse of children's rights by other persons (sexual violence)	2 0,7%	11 3,1%	16 2,9%
Physical violence			9 1,7%
Exploitation of children or minors for pornography, Art. 176.	4 1,4%	1 0,2%	4 0,7%

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<b>Making children familiar with pornography, Art. 197.</b>	1 0,3%	1 0,2%	1 0,2%
<b>Incest, Art. 198.</b>		2 0,5%	
<b>Neglecting and abuse of a child or a minor, Art. 213.</b>	186 67,4%	272 77,2%	441 82,4%
<b>Total</b>	276 100%	352 100%	535 100%

General Attorney's Office data

21.

The Law on Criminal Proceedings defines that a complaint on violence should be raised by the legal representative on behalf of a minor (Art. 49).

A minor who has reached 16 years of age can raise a complaint for criminal prosecution or a private complaint by himself/herself (Art. 49).

The Law on Youth Courts also stipulates that for the purpose of protection of legal interests of the child, the president of the court can, upon proposal of the investigating magistrate or a magistrate for youth, appoint one of the lawyers to be a legal representative of the minor.

Beside above mentioned, it should be pointed out that children can turn for help to social welfare centers (having expert teams trained for providing such help), to the Office of the Ombudsman for Children, and to civil society organizations active on the local community level (for example, non-governmental organizations «Hrabri telefon» - «Brave Phone», «Plavi telefon» - «Blue Phone», etc.).

22.

Awareness level about the possibilities of filing the complaints on violence against children can be raised through permanent media campaigns emphasizing the consequences of abuse to the development and shaping of a child, as well as by education for the recognition of the signs in behaviour and functioning of a child indicating the possibility that it is an abused child. Permanent sensibilization of the community for the problem of violence against children is necessary, as well as additional education of experts from the field of mental health for the treatment of these children. At the same time it is necessary to develop the confidence of citizens towards administration of justice, and to make the proceedings concerning the protection of children against abuse more efficient, as well as to pronounce timely and appropriate sentences.

Generally speaking, it is necessary to conduct a public campaign with the goal of sensibilization of public for this problem, and in order to supply relevant information, i.e. clear and precise instructions about proceedings. Besides the campaign, it is necessary to conduct additional education of all experts working with children.



23.

The Law on Youth Courts contains stipulations on criminal acts perpetrated against children and minors and specifies criminal acts Youth Courts are competent for. These are: Criminal acts against life and body; Criminal acts against freedom and rights of man and citizen; Criminal acts against sexual freedom and morality; Criminal acts against marriage, family and youth, and Criminal acts against values protected by international law.

The principle of careful treatment of a criminal act victim

The Law stipulates that a youth magistrate and an investigating magistrate must be extremely careful towards a child or a minor – the victim of a criminal act, when dealing with criminal proceedings against perpetrators of criminal acts against children and minors, bearing in mind the age of the victim, the characteristics of his/her personality, and his/her education and conditions of life, in order to avoid possible harmful consequences to his/her education and development (Art. 119).

The method of examining a child and a minor during the proceedings

The legislator has furthermore stipulated the manner of examining a child (up to 14 years of age) or a younger minor (from 14 up to 16 years of age) – victims of a criminal act; such examination can be performed twice at the most. The examination is performed with the help of the psychologist, pedagogue or other expert. Investigating magistrate will give orders to tape the examining of the witness in another room via technical equipment intended for the transfer of sound and image, i.e. without presence of the magistrate and the parties in the room where the witness is accommodated, and the parties can ask him/her questions through the investigating magistrate, a psychologist, a pedagogue or another person.

Children and younger minors can be examined as witnesses in their home, or other space they are accommodated in, or in the social welfare centre, instead the court. In these cases the witnesses must also be examined via equipment intended for the transfer of sound and image.

It should be pointed out that in the year 2003 all the courts in the Republic of Croatia have been supplied with the equipment intended for the transfer of sound and image, in order to be able to implement above mentioned stipulation of the Law on Youth Courts.

The principle of proceedings' secrecy

The Law on Youth Courts also stipulates that no information of the criminal proceedings towards a minor or a decision brought in these proceedings can be announced in public without the consent of the court. Only specified parts of information or of the decision can be announced in public in case there is an approval to do so, but even than one must not specify the name or other information about the minor on the basis of which one might deduce which minor it is (Art. 55 – the principle of proceedings' secrecy). In case there was no consent of the court to announce information in public, it would be considered a criminal act of proceedings' secrecy violation from the Art. 305 of the Criminal Law.

The principle of urgency

Article 126. of the same Law furthermore stipulates that the proceedings concerning criminal acts against children and minors are urgent.

24.

According to the legal practice, the perpetrators of violence against children in the Republic of Croatia are sentenced to imprisonment punishment (penalizing attitude); there is also the possibility of placing them on probation with protective monitoring and obligation of the perpetrator to participate in the process of psychosocial therapy in specialized institutions, with the goal of elimination of violent behaviour, i.e. with the obligation to go through drug abuse or other addictions' treatment (rehabilitative attitude).

On the other hand, the Criminal Law provides the possibility for the State Attorney to give up the prosecution, in case the perpetrator goes through drug abuse or other addictions' treatment, i.e. in case the perpetrator participates in the psychosocial therapy with the goal of elimination of violent behaviour, with the consent of the perpetrator to be excluded from his family during the therapy (diversion).

25.

In case it is stated that a minor (a person from 14 to 18 years of age) is guilty of the act of violence, he/she will only exceptionally – under the condition he/she has reached 16 years of age – be sentenced to imprisonment for minors. In all other cases educational measures are sentenced, one of the most important among them being a special obligation of a minor to repare or compensate, within his/her possibilities, for the damage caused by the criminal act, to engage in the work of humanitarian organizations or in the municipal service or ecological work, as well as to engage into individual or group therapy of the counselling centre for youth.

On the other hand, State Attorney for Youth can also decide to drop charges against a minor in case he/she fulfils one or more of above mentioned obligations, i.e. the obligation of going through drug abuse or other addictions' treatment (informal sanctions – diversion).

The court and the Public Attorney can propose measures of family-legal protection for the minors who are old enough to be responsible for criminal acts.

**II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN**

26.

Social welfare centers, organized on local level, are bound to react to any report on violence against children in such a manner as to check the situation in the family, to define the level to which a child is endangered, to pronounce (if necessary) a measure of legal family protection, and to report to the police in case it is stated that there are elements of

violence against the child. Apart from the counselling work with the family, social welfare centers have the possibility, in situations when they consider it necessary, to ensure care for the child outside the child's family.

In order to achieve coordinated work of various bodies competent in cases of violence against children, there is in preparation the Protocol on Methods of Work of Competent Bodies in Cases of Violence Against Children, in the preparation of which participates, among others, the Ministry of Health and Social Welfare.

27.

Various structures of national, regional and local level have been included in the issues of violence against children. On the national level this issues are dealt with by: the Ministry of Health and Social Welfare, the Ministry of Home Affairs, the Ministry of Justice, the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity, State Attorney's Office, the Office of the Ombudsman for Children and the Office for Human Rights of the Republic of Croatia. Beside specified public administration bodies, the Government of the Republic of Croatia has established several advisory and expert bodies competent, among other things, for violence against children. These bodies are:

- the Council for Children
- the Committee for Prevention of Behavioural Disturbances of Children and Youth
- the Committee for Elimination of Narcotic Drugs' Abuse
- the Committee for Monitoring and Enhancement of Work of the Bodies Competent for Criminal Proceedings and Execution of Sanctions Towards Minors
- the Committee for Monitoring and Enhancement of Work of the Bodies Competent for Criminal Proceedings and Misdemeanor Proceedings and Execution of Sanctions Connected With Protection From Violence in Family.

None of above bodies represents the main body in charge for the issue of violence against children. However, the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity is the coordinator of the activities performed in accordance with adopted national strategies and programmes.

28.

Financial resources dedicated to the activities concerning the issues of violence within social welfare are not assigned separately; the resources dedicated to this field of work are supplied within the regular activities of the social welfare (we'd like to add that there is a similar situation with other bodies).

The Ministry of Family, Veterans' Affairs and Intergenerational Solidarity has ensured a special position, i.e. activity within the Budget for the year 2004 – «Protection of abused persons in family» with the belonging amount of 1.300.000 kunas.

29.

As already mentioned within the answer to above question, the resources intended for the issues of violence against children have been supplied within regular activities of all competent public administration bodies. By the programme of Activities for the

Prevention of the Violence Among Children and Youth, all the bearers were given the obligation to ensure the resources within their regular activities. The Programme was adopted at the end of February this year and the implementation of the measures from this Programme is in progress, so we are not able to supply data on spent finances.

Beside specified Programme, the implementation of the measures from the Priority Activities for the Wellbeing of Children in the Period from the Year 2003. till the Year 2005., is also being in progress, so we are not able to supply data on spent finances.

Although there are no separate financial resources dedicated to activities connected with issues of violence against children, at all social welfare centers in the Republic of Croatia there are employed expert teams including social workers and psychologists, whom each citizen can address concerning issues of violence against children.

The Ministry of Family, Veterans' Affairs and Intergenerational Solidarity cooperates with UNICEF Office for Croatia in implementation of the project «For Safe and Stimulative Environment in Schools», with the obligation, among other things, to finance all phases of the project, and it will provide 300.000,00 kn for this purpose.

Beside UNICEF projekt, in recent years some ministries financed several projects realized by various civil society organizations, out of which we'd like to point out NGO «Brave Phone», which has established (with the support of competent public administration bodies, local selfadministration bodies and business subjects) the Polyclinic for the Protection of Children of the City of Zagreb, a health institution specialized in dealing with this complex issue (within this action approximately 1.00.000,00 kn of funds were raised – we do not have data of the precise amount).

Basic goal of this institution is to supply multidisciplinary, expert help to children with various traumatic experiences connected with neglect and physical, emotional and sexual abuse, as well as help to children, families and all experts dealing with children, in order to recognize violence, to learn how to prevent it and how to give support to the victim.

Apart from this, the resources of the Ministry of Health and Social Welfare cover the programmes and projects of the non-governmental organizations dealing with violence against women and children. During the years 2000, 2001 and 2002 there were 775.000,00 kn spent for the shelters, counselling centers and reception centers for children, women and victims of family violence.

In the period 2000 – 2003 former State Institute for the Protection of Family, Maternity and Youth financed a wide variety of programmes and projects of the centers for psychologic support to children, youth and families, dealing with violence against children, in the total value of 768.366,00 kn.

The Ministry of Family, Veterans' Affairs and Intergenerational Solidarity (as a legal successor of the State Institute) has proceeded with implementation of former and has started the implementation of new projects. As far as the protection of victims of family violence is concerned, there are in progress the projects: of three Centers, situated in various regions of the Republic of Croatia, dealing with victims of family violence. There is also in preparation the adoption of the Strategy of Protection of Persons Abused in the Family. The Ministry also realizes a wide variety of programmes, in cooperation with

other public administration bodies, institutions and non-governmental organizations focused on the prevention of violence against children, through the implementation of the Competition Procedure for the Financial Support of the Projects Focused on Children (approximately 1.500.000,00 kn assigned in this year).

30.&31.

The elimination of violence against children in the Republic of Croatia has been a permanent issue of concern of the state, and many civil society organizations have been included in these activities, with a lot of efforts to achieve active mutual cooperation, which is very often evident through institutional partnerships (Council for Children, National Board for Elimination of Trafficking in People, etc.), in such a manner as to have the representatives of the non-governmental sector included in their structures.

The Republic of Croatia is a state which has suffered aggression in the last decade, the consequences of which, in the context of its financial implications and economic development, can still be strongly felt. This very fact was the reason why Croatia needed international help during last decade, on the account of which it was possible to realize a certain number of programmes on the field of the child protection. The help provided by UNICEF was of greatest importance in this sense. At the moment UNICEF is implementing in Croatia the programme of prevention of violence among children (bullying), which is compatible to the priorities of the Republic of Croatia in this field.

UNICEF has been active in the Republic of Croatia since October 1991, and the cooperation was specially intensified during the hardest, war years 1992-93. However, after almost one decade of help, UNICEF has completed its activities in Croatia based on so called «Country» and later «Multy Country Programme», the latter already presuming a better situation in the field of the status of children and their rights. The second, i.e. the third model of UNICEF operation in various countries is through UNICEF National Board. This is an autonomous and financially independent body, established in countries which have exceeded the need for UNICEF direct help (GNDP level, child mortality rate, etc.). Such bodies have been established on the voluntary principle and they consist of domestic personnel (very often experts), and they implement UNICEF programme in such a manner as to finance it out of the resources collected within the country, 2/3 of which are set aside for UNICEF programmes of help in other countries.

Taking into consideration that Republic of Croatia no more satisfies above mentioned UNICEF criteria for regular activities' funding, and that at the same time Croatia still is not economically strong enough to support UNICEF programmes in other countries, there has been established a transitional form of functioning, as an entirely new formula of UNICEF work. The programme is self-funding («fund raising», greeting cards' sale) in such a manner that all raised funds remain in Croatia. In case this formula turns out to be successful, it would be applied elsewhere, too.

It is the condition for establishing, and it is at the same estimated that UNICEF National Board in Croatia will be able to contribute to the programmes of help, specially in crisis countries. On the basis of all mentioned above the Republic of Croatia is determined to supply help to such countries.

The Republic of Croatia is supplying help on bilateral basis to children from other countries, so there were, for example, eight children from Iraq accepted to medical treatment in the Republic of Croatia during August 2004.

32.

Through the Law on Ombudsman for Children, which came into force on 18 June 2003 («Official Gazette» no 96/2004) the Republic of Croatia established an autonomous and monitoring body, as an *sui generis* institution, with the task to protect, monitor and promote the rights and interests of children on the basis of the Constitution of the Republic of Croatia, international treaties and laws.

The Ombudsman for Children:

- monitors harmonization of laws and other regulations in the Republic of Croatia, concerning the protection of the rights and interests of children, with the stipulations of the Constitution of the Republic of Croatia, Convention on the Rights of the Child and other international documents concerning the protection of the rights and interests of children; performance of the obligations of the Republic of Croatia deriving from the Convention on the Rights of the Child and other international documents; implementation of all regulations concerning protection of the rights and interests of children; violations of specific rights of children, and studies general occurrences and manners of violation of the rights and interests of children;
- advocates for the protection and promotion of the rights and interests of children with disabilities; suggests measures for the structuring of a comprehensive system of protection and promotion of the rights of children and for prevention of harmful activities against their interests;
- informs the public of the status of the rights of children, informs and advises children on the manner of the realization and protection of their rights and interests, cooperates with children, stimulates them to express their standpoints and takes their opinion into account, initiates and participates in public activities focused on the enhancement of the position of children and suggests measures for the enhancement of their influence in the society;
- may be included in the proceedings prior to adoption of regulations concerning the rights of children or those regulating the issues of importance for children, and can give impetus to adoption and amendments of laws and other regulations concerning the rights and protection of children.

The Ombudsman for Children has got the access to all data, information and documents concerning the rights and protection of children, disregarding the level of their secrecy, and can enter all spaces and have insight into the manner of the realization of the care for children accommodated permanently or temporarily with natural or legal persons or other legal subjects on the basis of special regulations.

In case the Ombudsman for Children during performance of his/her duties finds out that a child has been exposed to physical or mental violence, sexual abuse, maltreatment or exploitation, neglect or negligent treatment, he/she must immediately file a complaint to the competent General Attorney's Office and warn competent social welfare center, and suggest measures for protection of rights and interests of the child.

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The Ombudsman for Children is authorized to warn, suggest and give recommendations. Public administration bodies, local and regional public administration units, as well as legal persons, are bound to cooperate with the Ombudsman for Children and to give reports on her demand and answer her inquiries immediately, and latest within 15 days' period inform the Ombudsman for Children about performed activities resulting from his/her warning, proposal or recommendation. In case the bodies and legal persons fail to perform relevant activities within compulsory period of time, the Ombudsman for Children will inform about it the body competent for monitoring its work. In case the body competent for monitoring fails to report on relevant facts and performed measures, the Ombudsman for Children will inform about it the Government of the Republic of Croatia.

Everybody is entitled to the right to give proposals to the Ombudsman for Children in connection with consideration of issues important for the protection of rights and interests of children, and the Ombudsman for Children will inform the person who gave the proposal on the activities performed on the basis of his/her proposal.

The Office of the Ombudsman for Children has started operating in September 2003. In the period from 15 October 2003 till 15 July 2004 there were 227 complaints received. 33 of these concerned maltreatment and neglect of children and 36 concerned violence among children (bullying). We find out about violence against children from the citizens (including children themselves), from media, and from other institutions.

Complaints on maltreatment of children concern: maltreatment of the father, i.e. the mother after divorce; parents who insist on exclusively vegetarian nourishment of a child who is for this reason allegedly starving and physically underdeveloped; educators and expert employees in the social welfare institutions where children are accommodated.

On several occasions there were complaints on the neglect of children by their parents in the sense of absence of appropriate care in the context of education, health care and other needs of the child.

Several complaints concerned sexual abuse of children. In most cases they concerned sexual delicts performed by the fathers towards their daughters, and in one case the school informed the Office that a girl, their pupil, was a victim of rape by several unknown persons, about which the parents were informed but they refused to file a complaint.

In one case the child, a 17 years old boy, himself reported directly to the Office about an attempt, in the form of a proposal of a known person, who tried to talk him into shooting of pornographic photographs and movies.

In all above mentioned complaints, the Office asked for reports from competent bodies and forwarded appropriate recommendations, and the Office has in each case warned of extreme urgency and asked for feedback, whereas in the case of the rape of the girl the Office filed criminal charges against the perpetrator of the sexual delict.

Since the establishment of the Office, it has been evident that the problem of violence among children represents a huge problem in the sphere of protection of the rights of children. This issue is the first one in which the children have recognised the Office of the

Ombudsman for Children as a place where they can report on the violation of their rights and the problems concerning the biggest number of direct complaints of children. The Office found out about the rest of the cases from the media (bullying in institutions) and from the complaints of parents, and in one case from the school.

From the reports the Office asked for, it could be recognized that the problem is sometimes reduced or relativized by adults (often by teachers), so the Office in each single case forwarded urgent recommendations for actions of the school and other public administration bodies, specially social welfare centers. The contents of the recommendations represent the directions to perform activities focused on the education of children for non-violent communication skills, and to organize lectures, discussions and meetings on bullying/hazing, and to respect the obligation of reporting about the violence to the competent social welfare center which is competent to examine the circumstances in which a child – «little molester» lives, with the goal of providing help to the child and the parents, as well as a wide variety of other recommendations.

Apart from above mentioned complaints, children were directly or indirectly exposed to violence in a number of cases of this Office. It primarily concerns 50 cases connected with the realization of the parental care. These are the complaints concerning the conflicts, quarrels and complaints of one parent against the other in the sense that the other parent fails to act in the best interest of the child (he/she does not care enough about school success, health, necessary activities and generally about the wellbeing of the child in any segment whatsoever), the complaints concerning in most cases the parents who do not live in the same family any more. They also report on the denial of the right of one parent to participate in education and bringing of decisions in connection with the child, on the lack of cooperation and communication and similar, and the conflicts deriving from this are regularly witnessed by the child itself.

In these issues it is compulsory to forward recommendations to competent social welfare centers with the purpose of counselling of the parents or monitoring of the realization of parental care. Some of parents are forwarded to partner therapy in the counselling centers (to a lesser extent), in those towns where such centers exist. The state has announced its intention to develop a network of high quality family centers with the basic goal of «returning the interests of the child into the focus of events», and education of parents towards development of quality parenthood skills.

Since 30 July 2003 in the Republic of Croatia there is in application the Law on Protection Against Family Violence («Official Gazette» no 116/03), and violence in family was penalized as a misdemeanor even in the former Family Law («Official Gazette» no 162/98), applied from 1 July 1999. In the period from 1 July 1999 till 31 December 2003 the number of minors whose rights were violated was 9394, and the number of minors who witnessed the misdemeanor was 10281, which equals to 19675 minors who were direct or indirect victims of family violence.

On the basis of the Law on Protection Against Family Violence the court can, which we consider to be of greatest importance, pronounce to the perpetrator of the family violence, within the misdemeanor proceedings, the following protective measures: compulsory psychosocial treatment; prohibition to come close to the victim of the violence; prohibition of disturbing or spying on the person exposed to violence; expelling from the apartment, the house or some other housing space; safeguarding of a person



exposed to violence; compulsory treatment against addiction; and taking away of objects intended for or used in the performance of the misdemeanor.

We consider it to be of importance that, in accordance with the Law on Protection Against Family Violence, an health institution employee, a social welfare institution employee, a psychologist, a social worker, a social pedagogue and an educational institution employee are bound to report to the police or competent County Attorney's Office on cases of family violence they found out in the line of their duty.

Beside the institute of the Ombudsman for Children, there are a lot of other institutes and bodies. The Public Ombudsman is a body authorized by Croatian Parliament to protect constitutional and legal rights of citizens in the proceedings performed at public administration bodies and bodies with public authorities.

As an expert service of the Government of the Republic of Croatia there has been established the Office for Human Rights intended for the performance of expert and administrative activities within the realization of a systematic approach of the Government of the Republic of Croatia to the protection and promotion of human rights in the Republic of Croatia.

All above mentioned institutions have constitutional obligation to perform necessary activities on citizens' complaints since Article 46 of the Constitution stipulates that everybody is entitled to the right of sending inquiries and complaints and give proposals to other state and public administration bodies and to receive reply to them. As far as the complaints in the material&legal sense are concerned, they must be proceeded by the court.

The Government of the Republic of Croatia has established, as its advisory interministerial body, the Council for Children, the task of which is permanent monitoring of the realization of the National Programme of Action for Children, and the coordination and harmonization of work of state and other public administration bodies in implementation of planned measures and activities. The Council for Children, according to the Decision on its establishing, monitors the implementation of the Convention on the Rights of the Child and other international documents concerning protection of children, promotes the rights of children, discusses drafts of laws and other regulations concerning realization of rights of children, proposes to the Government and relevant ministries changes of laws and other regulations and new regulations from the fields concerning protection of children, proposes to the Government the measures for enhancement of work of the bodies having within their competence the issues in connection with protection of children and realization of their rights.

As an expert and advisory body of the Government intended for the provision of expert help in discussions and bringing of decisions in all issues from the field of timely performance of necessary measures of interest to children and youth, specially within the interest of those living in risky conditions, and for their protection, the Government of the Republic of Croatia has established the Committee for Prevention of Behavioural Disturbances of Children and Youth.

Within the National Board for Elimination of Trafficking in People there has been established a separate Working Group for Elimination of Trafficking in Children with the

goal of coordination of national and regional activities in the field of elimination of trafficking in children, taking into account special vulnerability of children – victims of trafficking in people. The Working Group elaborates the strategy of action towards elimination of trafficking in children and prepares a plan of action for the elimination of trafficking in children in the framework of the National Plan of Action for Elimination of Trafficking in Children, and monitors its implementation.

33.

Within the Croatian Parliament, the bearer of the legislative authority in the Republic of Croatia, there has been established the Board for Family, Youth and Sport, within the competence of which are the issues of structuring and monitoring of the implementation of the policy, with the competence of the basic working body during the preparation of laws and other regulations in the fields concerning marriage, family, guardianship, and special protection of children, maternity and youth.

34.

The Law on the Ombudsman for Children has been adopted in the year 2003 («Official Gazette» no 96/2004), and it has come into force on 18 July 2004.

### **III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN**

35.

From the year 1998 till the year 2003 the Office of the Government of Republic of Croatia for Non-governmental Organizations has been allocating financial support to the programmes and projects of the non-governmental organizations (non-governmental organizations are just one form of civil society organizations active in the Republic of Croatia – at the moment there are 25505 non-governmental organizations) within the following fields: promotion and protection of human rights, social welfare, health protection, work with children and youth, protection of environment, protection of cultural heritage and democratization, and development of civil society. Within this period there have been 1997 projects and programmes financed with the total amount of allocated funds of 105.328.942,33 kn.

In the year 2004, in accordance with national programmes of the Government of the Republic of Croatia, and programme activities of the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity, for the prevention of violence against children, after the competition procedure had been completed, the cooperation was realized with 19 non-governmental organizations dealing with projects concerning protection of violence against children, in the total value of assigned resources equal to 330.000,00 kn.

Important results in the implementation of the programmes of prevention of violence against children have been achieved by below non-governmental organizations (hereinafter: NGO): NGO «Little Step» - of the Centre for the Culture of Peace and Non-violence from Zagreb, NGO for help to children and youth «Smile» from Čakovec, NGO «Friend» from Zagreb, NGO «Blue Phone» from Zagreb, NGO «Bridge» from Split, NGO «Children First» from Zagreb, «Sunflower» from Zagreb, NGO «Croatian Woman»

from Zagreb, Association of organizations «Our Children» from Zagreb, Croatian Center for Education in Drama from Zagreb, Center for Peace Studies from Zagreb, MiRTa from Split, «Support» - NGO for help to children and families from Zagreb, NGO of parents «Step by Step» for promotion of quality of life of children and families from Zagreb, Center for Women – Victims of War from Velika Gorica, Autonomous Female House from Zagreb, Center for Creative Work from Zagreb, Citizen's Community of Women from Rovinj, Franciscan Institute for the Culture of Peace from Split, Forum for Freedom of Education from Zagreb, Female Group «Step» from Karlovac, Croatian NGO for Protection of Children Against Maltreatment and Neglect from Zagreb, NGO for Care About Woman and Family from Sisak, Female Help Now – SOS phone for women and children – victims of violence from Zagreb, NGO of parents BIOS from zagreb, NGO for Protection of Children Against Maltreatment and Neglect «Birdie» from Rijeka, SOS phone – call for help from Virovitica, NGO for Initiatives in Social Policy from Zagreb, Center for Spiritual Help from zagreb, NGO of single parents «Hope» from Osijek, NGO «Brave Phone» - phone for maltreated and neglected children from Zagreb, Split group TOD from Split, «New World» - city NGO for care about children and youth from Sisak, Croatian NGO «Hands» from Komiza, Nansen Dialogue from Osijek, NGO of blind and mute persons «Touch» from Zagreb, Croatian Caritas, Caritas of the Zagreb Archbishop's District (Center for children in Brezovica), SOS Children's Village and many others. UNICEF Office in Zagreb is the biggest international organization for children active in the Republic of Croatia which has recently started a very successful and widely known and well accepted campaign against bullying/hazing in schools.

36.

Within the answer to above question one can find data on amounts of financial support allocated by the Government of the Republic of Croatia through a centralized model, in which the Office for Non-governmental Organization organized, cooperated, implemented and coordinated allocated funds for NGOs' programmes and projects.

In the year 2004 a decentralized model of cooperation and allocation of financial resources for NGOs was introduced, so that public administration bodies and Offices of the Government of the Republic of Croatia can independently plan and organize financial resources for cooperation and support intended for the NGOs from their field of work. In order to standardize the criteria and practice of allocation of financial resources, the Government of the Republic of Croatia will soon forward to parliamentary procedure the Codex of Positive Practice, Standards and Criteria for the Realization of Financial Support to NGOs' Programmes and Projects.

On 4 January 2001 the Government of the Republic of Croatia adopted a document defining the cooperation with the civil society organizations (as the first country in the Central and Southeast Europe, and in accordance with EU) with the title «Programme of Cooperation of the Government of the Republic of Croatia and Non-governmental, Non-profit Sector in Croatia». With high appreciation of the high value goals of citizens' initiatives focused on common wellbeing, the Government has in this way accepted the initiative for the realization of this Programme and a new environment for mutual cooperation, which will have a man in the family, community and society, in the focus of its work. 112 representatives of civil society organizations had been working for six months on the text of the Programme of cooperation (NGOs, trade unions, religious communities), as well as the representatives of the ministries and other public

administration bodies, the representatives of business sector in the Republic of Croatia and the representatives of local and regional self-administration. The entire text of the Programme of cooperation, in English and in Croatian, can be found on the web site of the Office for NGOs: [www.uzuvrh.hr](http://www.uzuvrh.hr).

On the basis of this Programme the Government of the Republic of Croatia has established in the year 2002 the Council for Civil Society Development, as an advisory, interministerial body consisting of 24 members, 10 of them being representatives of the Government from public administration bodies (within the range of state secretaries and minister deputies) and 14 representatives of the civil society organizations active in the following fields: protection and promotion of human rights; care, self-advocacy and advocacy for the persons of disabilities; health protection; culture; activities of and for youth; democratization and development of civil society; social welfare and humanitarian activities, protection of environment and sustainable development; European integrations; interministerial cooperation and social entrepreneurship; international cooperation; development of philanthropy and volunteerism; and the representative of the NGOs deriving from the Homeland War. The representatives of the civil society organizations were elected by their co-workers from the field they are dealing with, in such a manner that the Office for NGOs organized a very wide democratic procedure in which it distributed, through the bulletin «Bond», 16000 candidates' lists intended for the election of NGOs' representatives in the Council for Civil Society Development. The most important task of the Council was the implementation of the Programme of cooperation in the fields of preparation of high quality legal framework for the civil society development, in the field of counselling, evaluation of national policies, decentralization and cooperation on the sustainable development of the community, financing of the programmes and services of the civil society organizations, citizens' participation in the process of decision bringing and satisfying the needs in the community, stimulating and supporting of self-organizing and voluntary activities of citizens focused on the wellbeing of the community, development of the social entrepreneurship and social capital as an important component of social development and stimulation of socially responsible business sector in the Republic of Croatia.

Last year the Council for Civil Society Development has started the preparation of the Strategy for Civil Society Development, in the production of which a huge number of citizens, NGOs' representatives and other civil society organizations and experts have participated.

In July 2002 Croatian Parliament adopted the Law on Preparation of Games of Chance and Award Games, stipulating in Article 10 that the Government of Croatia will allocate 50% of entire income of all games of chance for the civil society organizations which are active in the field of development and promotion of sport, non-institutional education of children and youth, enhancement of disabled persons' life, prevention of narcotic drugs' abuse and all other forms of addictions, culture, technical culture, social welfare and humanitarian activities and civil society development. In this manner NGOs active in these 8 fields have received in the year 2003 financial support from one part of income of games of chance for their projects and programmes in total amount of approximately 100 million kunas.

The adoption of this Law provided for material basis for one more Law which in November 2003 established the National Foundation for Civil Society Development, with basic goal of promotion and development of civil society in the Republic of Croatia.

The resources deriving from one part of income from games of chance, intended for the civil society development, are forwarded to the National Foundation which provides expert and financial support to the programmes stimulating sustainability of non-profit sector, intersectoral cooperation, citizens' initiatives, philanthropy, volunteerism and enhance democratic institutions of the society. The National Foundation has got four regional offices in Croatia, which represents the start of work and connecting of capacities and services for civil society development, as well as for the development of intersectoral cooperation within local community. In this way we invest into the development of the infrastructure for future civil society development in the Republic of Croatia according to «bottom-up» principle.

37.

The media have got extremely important role in this field, as well as adopted national strategies and programmes – the Priority Activities for the Wellbeing of Children from the Year 2003 until the Year 2005, the Programme of Activities for Prevention of Violence Among Children and Youth, imply participation of media in the implementation of specific measures.

Chapter XIII of the Priority Activities for the Wellbeing of Children from the Year 2003 until the Year 2005, is related to media and it contains several measures to be implemented till the year 2005. These are the measures concerning:

- the preparation of the programme of media education of parents for provision of possibilities and importance of their influence on the perception of media contents on children and monitoring of the impact of media contents on children
- adjustment of Croatian legislation concerning public media to the Convention on the Rights of the Child and other European legislative acts and recommendations for the regulation of the legislative field concerning the protection of children and promotion of children's needs in media
- preparation of the programme of education for media (including the stimulation of scientific research of the impact of media on children).

The media have been playing a significant role in the enhancement of the sensitiveness and awareness of unacceptability of violence against children. The non-governmental organizations dealing with this field, particularly Hrabri telefon (Brave Phone), have gained significant media space and became recognizable in public as the advocates of the children – victims of violence. Media support has also been reflected in more and more often warnings of violence cases in the media.

Media campaigns of smaller proportions have been organized on the local level, whereas UNICEF campaign «Stop to Violence Among Children» has been specially noticed on the national level; this campaign has warned of the school violence problem (bullying), where children are both the perpetrators and the victims. Within this campaign a promotional video was recorded and broadcasted, there were two radio promotional

messages recorded, there were advertisements in the press and highway posters printed and distributed throughout the country. All media space was free of charge. Croatian Television has also been constantly broadcasting UNICEF promotional videos with the messages about the rights of the child, some of them concerning the protection against violence.

In the year 2003 a documentary movie about the rights of the children «I Have Rights» was made. It was financed out of the State Budget and total amount of assigned resources was 40.356,97 kn.

Apart from that, for the last five years the magazine «Child and Society» has been published in the Republic of Croatia; during one period it was financed by UNICEF, whereas it has been entirely financed out the State Budget of the Republic of Croatia lately. The magazine has the purpose of the rights of children promotion, as well as general and professional public sensitivity raising for all issues concerning violence against children.

#### **IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE**

38.

The Priority Activities for the Wellbeing of Children from the Year 2003 until the Year 2005 defined the presumptions for appropriate realization of planned measures, and the subjects competent for their implementation must take special care about them. One of these presumptions concerns active inclusion of children, parents and experts who work directly with children at all levels of planning and monitoring of the realization of specific tasks.

Non-Governmental Organization for Initiatives in Social Policy – Center for the Rights of Child, in cooperation and with financial support of the Ministry of Labour and Social Welfare, has realized the project under the title «Participation of Children within the Education Process – Realization of the Rights of Children Accommodated in Children's Homes in the Republic of Croatia», in the framework of which they performed questioning about participation of children in the realization of the rights of child in the children's homes, and the volunteers of the NGO realized educational workshops for children and expert personnel on the rights of the children. The questioning and the education included 120 children and 30 educators from four children's homes for children without appropriate parental care, and the educators were trained for future implementation of educational workshops on the issue of the rights of children.

39.

The Republic of Croatia has not included children into creation of special stipulations on proceedings or hearing of evidence, which would be implemented in the court proceedings, but the proposals, standpoints and opinions of the child expressed during court process, are highly appreciated.

40.

The Ministry of Family, Veterans' Affairs and Intergenerational Solidarity decided to cooperate with UNICEF Office for Croatia in implementation of the project «For Safe and Stimulative Environment in Schools», with the obligation, among other things, to finance all phases of the project, and it will provide 300.000,00 kn for this purpose.

The first phase concerned media campaign intended for public awareness raising, inclusion of schools, parents and children, which was implemented during last year and the first half of this year by UNICEF. Other phases in the Project are:

- fund raising
- implementation of programme activities in schools
- evaluation and programme recommendations.

The entire Project deals with the problem of violence among children and youth (bullying), and the goal of the Project is to ensure safe and stimulative environment for all children in primary and secondary schools through sensibilization and mobilization of public, providing necessary material preconditions, enhancement of expert knowledge and participation of children, as well as the promotion of successful models.

Expected results of the Project are:

- awareness raising about the problem of violence among children and about possible solutions, in order to make violent and abusive behaviour socially unacceptable (primary prevention)
- ensurance of recognition of risks and early recognition of violent and abusive behavior patterns, through enhanced information supply to all participants (early intervention/secondary intervention)
- improved efficiency of response to violence through definition of roles and responsibilities within school, definition of sources of help outside school (other expert services), proceedings' protocol, and improvement of expert knowledge (interventions)
- provision of more appropriate help to children – victims and perpetrators of violence (monitoring and support in the recovery – postvention).

## **V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN**

41.

The Government of the Republic of Croatia has adopted on 25 February 2004 the Programme of Activities for the Prevention of Violence Among Children and Youth, which includes all aspects of violence against children in its comprehensive measures. By this Programme the Government obligated the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity, the Ministry of Science, Education and Sport, the Ministry of Health and Social Welfare, the Ministry of Culture and the Ministry of Interior Affairs, as well as the Office of the Ombudsman for Children, the Office for the Elimination of Abuse of Narcotic Drugs and the Office for the Equality of Sexes, all colleges educating

experts from the fields of childcare, education and social welfare, homes for children without appropriate parental care, homes for youth and children with behavioural disturbances, educational institutions, regional self-administration units, police stations, civil society organizations, sport clubs, theatres and other cultural&artistic institutions, as well as the media, for the implementation of a wide variety of short-term and long-term measures connected with the elimination of violence against children.

Apart from this, these issues have been included into national strategies and programmes – the Priority Activities for the Wellbeing of Children from the Year 2003 until the Year 2005 (from the National Programme of Action for Children), the National Programme of Action for Youth, the Action Plan for Elimination of Narcotic Drugs' Abuse, the National Programme of Elimination of Trafficking in People, and the Programme of Measures for Enhancement of Safety in Educational Institutions.

42.

The Government of the Republic of Croatia has prepared programmes specified in the previous answer. The resources for the implementation of all the measures from these programmes are supplied each year from the State Budget. The precondition of a successful implementation of accepted strategies and programmes is intersectoral cooperation (each measure implies mutual activities of all mechanisms of the society).

Since the majority of national strategies and programmes (which include implementation of activities, projects and programmes related to this question) have been adopted in the middle of the year 2003, and some of them even in the year 2004, their evaluation has not been performed yet, therefore we can not supply exact data in this answer.

43.

(In the answer to the question no 27 we specified competent public administration bodies for the issues of violence against children, including advisory and expert bodies of the Government.)

The Priority Activities for the Wellbeing of Children from the Year 2003 until the Year 2005 represent the amendment to the National Programme of Action for Children. For the purpose of permanent monitoring of the implementation of these activities, and with the goal of the coordination and harmonization of work of the state and other public administration bodies in the implementation of planned measures and activities, the Government of the Republic of Croatia established on 1 October 1998 the Council for Children. The members of the Council for Children are the representatives of the ministries and other public administration bodies, the representatives of scientific and expert institutions, media and NGOs working with children.

The Committee of the Government of the Republic of Croatia for Prevention of Behavioural Disturbances of Children and Youth is an expert and advisory body of the Government of the Republic of Croatia, with the task to provide expert help in the discussions and decisions on all issues from the field of timely implementation of necessary measures in the interest of children and youth, specially those living in risky conditions, as well as to take care of them.



The Council for Youth is an interministerial and expert, advisory body of the Government of the Republic of Croatia, with the task to participate in the coordination of implementation and evaluation of the National Programme of Action for Youth (from 15 to 19 years of age).

The Council for Children, the Committee of the Government of the Republic of Croatia for Prevention of Behavioural Disturbances of Children and Youth and Council for Youth are active within the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity ([www.mobms.hr](http://www.mobms.hr)).

The Ministry of Family, Veterans' Affairs and Intergenerational Solidarity is a coordinator of the implementation of the Programme of Activities for the Prevention of Violence Among Children and Youth.

44.

The Republic of Croatia monitors activities concerning prevention of violence against children on international and regional level, which derives from a wider context of internationally expressed political will, i.e. ratification of the majority of crucial international instruments, both from the field of human rights and from the field of the protection of children's rights. It was on the basis of the relevant documents, such as the World Declaration of Survival, Protection and Development of Children, and the Plan of Action for Implementation of the World Declaration on Survival, Protection and Development of Children, that in the nineties the Government adopted its National Programme of Action for Children in the Republic of Croatia, providing, among other things, measures intended for the supply of help to neglected and abused children and children endangered by war,

On this occasion, we'd like to point out the cooperation of the Republic of Croatia with the Council of Europe, which gave impetus to the integrated project «Response to Violence in Everyday Life in Democratic Society» (2002-2004). Basic goal of the Project is to provide help to the Council of Europe member states in the implementation of consistent policy in the fight against everyday violence, including the violence against children. The Project will offer the results of research, successful practice examples, as well as concrete instruments for fight against violence. It will also identify the reasons for violence in accordance with the criterion of its manifestation (home, city-street, school, sport), and define the modalities of action and prevention for the fight against violence within these specific groups, with awareness raising and education of youth, and with provision of help to victims of violence. The Republic of Croatia has got a national coordinator which cooperates in this Project, and there has also been prepared a national report with statistical data on the basis of received Questionnaire. On the basis of national reports, future activities in this Projects have been defined, and the final document in the form of recommendations is soon expected. In the framework of a subproject to this project in Croatia – «Experimental Network of Pilot Programmes», a project of the NGO «Step» has been accepted; this NGO implements a wide variety of activities in the field of protection of children against violence (SOS phone, public awareness raising, organization of seminars against trafficking in people, specially of children, provision of the shelter for abused women and children).

## V. DATA COLLECTION, ANALYSIS AND RESEARCH

45.

There are very few recent researches on the prevalence of violence among children in the Republic of Croatia. One of them was realized in 2003 by the Polyclinic for the Protection of Children of the City of Zagreb - the research about school violence among children included 25 primary schools. The questionnaires were filled in by 4900 pupils attending 4th to 8th grade, in 13 cities in Croatia. Compiled data showed that 27% of pupils experienced at least one form of violence in school almost every day. 19% of children are passive victims (just suffering violence), and 8% are «provocative victims» (suffering violence, but perpetrating it, too). 16% of children are violent to other children every day, 8% of whom are not victims of violence themselves.

At the moment there is in progress the research within the programme «Stop to Violence Among Children» of UNICEF Office for Croatia, on prevalence of violence among children, and there is also an obligation of realizing the research of the number and forms of violence among the users of the children's homes for children without appropriate parental care, and children's homes for children and youth with behavioural disturbances, as well as the obligation of realization of the same research among children and youth in educational institutions. Both specified obligations derive from already mentioned Programme of Activities for Prevention of Violence Among Children and Youth, and data processing is being in progress.

46.

The answer to this question can be found in the answer to the question 45.

47.

The answer to this question can be found in the answer to the question 45.

48.

The answer to this question can be found in the answer to the question 12.

49.

The Ministry of Interior Affairs, in cooperation with competent State Attorney's Offices, in all death cases with children, implements *ex officio* all measures and activities having the goal to define the cause of death of the child. However, for death cases where violence was not the reason of death, there are no separate records kept.

50.

The Ministry of Interior Affairs regularly reports to the public on statistical indicators of crime, at the same time being the indicators of crime connected with violence against children with mortal consequences. The Ministry of Interior Affairs has no separate records on the numbers of death of children, caused by some form of violence, as a

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percentage in total number of death cases with children. However, in the period from the year 2001 to the year 2003 the police discovered and reported on 19 cases in which a child of up to 18 years of age died. In this period the employees of the Ministry discovered 15 criminal acts from Article 91 of the Criminal Law – «First Degree Murder» and four criminal acts described in the Article 93 of the Criminal Law – «Infanticide».

51.

Sex	X
Age	X
Blindness	
Physical disability, including hearing impairment	X
Mental disability	X
Chronic illness (e.g. HIV/AIDS)	X
Other	X
Location (e.g. home, school, street)	X
Time of day	X
Other	X
Other	

52.

Review of the status and prevalence of criminal acts from the scope of penal&legal protection of children and minors in the Republic of Croatia, for the period from the year 2001 till the year 2003.

Type of criminal act from the Criminal Law	Criminal acts 2001.	Criminal acts 2002.	Criminal acts 2003.	Total - Criminal acts
Art. 178. Par. 3. International prostitution	1	1	0	2
Art. 188. Par. 4.,5. i 6. Rape	17	13	37	67
Art. 189. Sexsual intercourse with a helpless person	7	2	3	12
Art. 190. Sexual intercourse under coercion	0	1	1	2
Art. 191. Par. 2. Sexual intercourse through abuse of the position	6	9	5	20
Art. 192. Sexual intercourse with a child	56	52	57	165
Art. 193. Par. 2 Acts of indecency	106	105	102	313
Art. 194. Lust satisfaction in front of a child or a minor	104	51	61	216
Art. 195. Par. 1.,4.,5. i 6. Pimping	11	3	6	20
Art. 196. Exploitation of children or minors for pornography	23	31	37	91

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Art. 197. Making children familiar with pornography	7	19	19	45
Art. 198. Par. 2. i 3. Incest	4	3	10	17
	342	298	338	978
Art. 209. Par. 2. Violation of the obligation of financial support (of the child)	355	352	393	1100
Art. 210. Deprivation of a child or a minor	17	16	20	53
Art. 211. Change of family status	3	2	0	5
Art. 212. Abandoning a child	19	4	1	24
Art. 213. Neglecting and abuse of a child or a minor	1224	1304	1619	4147
Art. 214. Extramarital life with a minor	26	53	37	116
Art.215. Prevention and failure in implementation of measures for the protection of a child or a minor	66	66	83	215
	1000	1000	1000	3000
Art. 91. First degree murder	5	7	3	15
Art. 93. Infanticide	1	1	2	4
Art. 96. Par. 2. i 3. Participation in suicide	0	0	0	0
Art. 124. Par.3. Illegal deprivation of freedom	8	5	4	17
Art. 125. Par.2. Kidnapping	1	2	2	5
Art. 127. Par.2. Maltreatment during performance of duty or public authority	8	3	10	21
Art. 175. Establishing slavery and transportation of slaves	2	0	0	2
Art. 215.a Violent behaviour in the family	443	612	1118	2173
	1000	1000	1000	3000
	1000	1000	1000	3000

53.

See Table in the answer to question number 20.

## VI. AWARENESS, ADVOCACY AND TRAINING

54.

The Ministry of Family, Veterans' Affairs and Intergenerational Solidarity has been very successfully cooperating with UNICEF Office for Croatia, and the cooperation will be intensified, specially through mutually planned activities and implementation of the project «For Safe and Stimulative Environment in Schools». The Ministry accepted the obligation, among other things, to finance all phases of the project, and it will provide 300.000,00 kn for this purpose. The first phase concerned media campaign intended for public awareness raising, inclusion of schools, parents and children, which was implemented during last year and the first half of this year by UNICEF. Other phases in the Project are:

- fund raising

- implementation of programme activities in schools
- evaluation and programme recommendations.

The entire Project deals with the problem of violence among children and youth (bullying), and the goal of the Project is to ensure safe and stimulative environment for all children in primary and secondary schools through sensibilization and mobilization of public, providing necessary material preconditions, enhancement of expert knowledge and participation of children, as well as the promotion of successful models.

Expected results of the Project are:

- awareness raising about the problem of violence among children and about possible solutions, in order to make violent and abusive behavior socially unacceptable (primary prevention)
- ensurance of recognition of risks and early recognition of violent and abusive behavior patterns, through enhanced information supply to all participants (early intervention/secondary intervention)
- improved efficiency of response to violence through definition of roles and responsibilities within school, definition of sources of help outside school (other expert services), proceedings' protocol, and improvement of expert knowledge (interventions)
- provision of more appropriate help to children – victims and perpetrators of violence (monitoring and support in the recovery – postvention).

The Ministry of Family, Veterans' Affairs and Intergenerational Solidarity participates in the implementation of the media campaign on the influence and harmfulness of narcotic drugs (200.000,00 kn) and supplies financial support to the series of shows «Dorica» (broadcasting of shows on the local TV stations' network).

The rest of the answer to this question can be found in the answer to question number 37.

55.

<b>Print media</b>	<b>X</b>
<b>Radio</b>	<b>X</b>
<b>Television</b>	<b>X</b>
<b>Theatre</b>	
<b>Schools</b>	<b>X</b>
<b>Other</b>	<b>X</b>

56.

The Ministry of Health and Social Welfare, in the cooperation with the Polyclinic for the Protection of Children of the City of Zagreb organized education for the social welfare system employees, for the work with children.

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The Council for Children organized in the period from the year 2000 till the year 2003 several important expert meetings and seminars:

- «Violence Against Children in the Family – Recommendations of the Experts to the Government of the Republic of Croatia for the Enhancement of the Prevention and Direct Work With Victims»
- «Children Witnesses of War – One Decade Later»
- «Emotional Abuse and Neglect of Children»
- «Ethics of Research with Children»
- «Related Copetency: From Obedience to Responsibility – a New Perspective of the Professional Relation of Adults Towards Children».

	Prevention	Protection	Redress	Rehabilitation	Penalties
Violence against children in the family	X	X			
Children witnesses of war	X	X			
Emotional abuse and neglect of children	X	X			
Ethics of research with children	X	X			
Related competency: From obedience to responsibility	X	X			
Other					