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THE NGO COMPLEMENTARY REPORT
to the Second STATE REPORT on the situation of children in the Republic of
Croatia (from June 2002)
Pursuant to article 45(a) of the Convention on the Rights of the Child

Conceptual framework / approach to writing the Complementary Report

The Croatian Network of NGOs concerned with the wellbeing of children (a network in development) has taken over the task to write the Complementary Report to the Second State Report of the Republic of Croatia pursuant to Art. 44, item 1 b. on the situation of children in the Republic of Croatia, as a joint project activity.

The Centre for Social Policy Initiatives took over the task of organising the drafting of the Report.

The following NGOs contributed to the Report:

«**Idem**» - Croatian Association for Professional Assistance to Children with Special Needs consists of a team of professionals and parents and provides assistance to children with special needs through education, rehabilitation and support programs.

«**Center for Direct Protection of Human Rights**» aims to encourage protection of human rights and public promotion of the respect for and prevention of basic human rights

«**Dodir**» - Croatian Association of Deafblind Persons promotes the best interests of deafblind persons by advocating their rights to basic human rights, such as education, rehabilitation, communication and socialisation.

«**Mali korak**» - Centre for the Culture of Peace and Non-violence aims to promote and develop a culture of peace and non-violence. development of relations and tolerance, respect for human rights, respect for differences in the professional and every-day life, especially in the work with children.

Non-governmental organization **Association Children First – “Djeca prva”** supports social integration, protects human and children’s rights, mobilise self-help and strengthens inner resources of socially deprived children and their families, offers financial and in-kind support to families in need.

Association of parents “Step by Step” raises the awareness of parents, teachers and professionals about civil initiatives, organises education in different fields that help improve the quality of life of children and provides support for the creation and promotion of civil initiatives in the community.

«**Centre for Social Policy Initiatives**» - CSPI efforts are focused on the situation of the population in social risk, children without adequate parental care, unaccompanied refugee and displaced children, multi-problem and poor families.

The aim of the Complementary Report is to contribute to a more complete presentation of the implementation of children's rights and the Convention on the Rights of the Child in the Republic of Croatia, by additional information and data, that were collected and developed by a group of NGOs, members of the national network in development.

The NGO Report will attempt to present the following:

- Possible irregularities in the implementation of norms that regulate children's rights, that have not been mentioned in the State Report;
- Activities that have significantly contributed to the improvement of the situation of children's rights in practice, and that have not been mentioned in the State Report
- Insufficiencies and incompleteness of information and data presented by the State Report, with the aim to correct these and to ensure a more complete presentation of the situation of children's rights in Croatia.

Starting from the above mentioned principles the NGO Report will present trends and activities that improve the situation of children in Croatia but also difficulties and irregularities that are encountered in the Republic of Croatia in the implementation of children's rights.

The implemented reporting method corresponds to the structure of the State Report.

Comments/ amendments and corrections of statements:

I. GENERAL MEASURES UNDERTAKEN FOR THE IMPLEMENTATION OF THE CONVENTION

1. Measures undertaken for harmonising the national legislation with the legalities of the CRC

The period from 2000 to 2003 is a period of a fast process of drafting a number of new laws and changing and amending already existing laws, enactments and regulations – by which the national legislation has been in the process of harmonisation with international standards, a process that has had strengths and weaknesses. On the one hand an important improvement has been made in developing concrete mechanisms – structuring different bodies (i.e. co-ordinations, boards and committees), strategies and policies for executing and implementing the CRC – that has become evident in the latest period – from 2001 to 2003 – when these new bodies, in our opinion, have really started to function (see item 2).

On the other hand in the process of drafting laws, due to political pressures, a number of procedural unclearness' and misuses occurred, and some of the laws announced by the Second State Report, have been blocked or suddenly changed in the part where there were some positive solutions proposed, for example concerning discrimination issues. The latest example is the Law on the Changes and Amendments of the Penal Law that has been adopted by the Parliament in October 2003 and that was supposed to come into force on Dec. 1st 2003, and was revoked by the Constitutional Court because of procedural errors when being adopted. This Law included new legislation concerning the glorification of fascist symbols, computer crimes, corruption, protection of children, etc.

But, by overiewing the laws and programatic documents it has been established that on the legislative level, satisfactory improvements have been made concerning the CRC regulations:

- a) The Law on the Ombudsman for Children has been adopted and a children's Ombudswoman has been appointed and the children's Ombudswoman's Office has been established (2003)

b) The new Family Law has been adopted in 2003 (novelties have been adopted concerning the institute of adoption – the age limit has been changed of the potential adoptive parents, and etc.)

c) The Asylum Law has been adopted in 2003.

2. *The existing or planned mechanisms on the national and local level for the co-ordination of policies concerning children and monitoring and promoting the implementation of the CRC*

Second Report, item 27

In the period between 2002 to 2003 the Council for Children played a more significant role in the more efficient implementation of CRC regulations. The Council for Children became more efficient after its' reconstruction at the end of the year 2000, when the number of members decreased and non-governmental organisations were included in the Council. The Council for Children works in four working groups: a group in charge of the review of the National Plan of Action for Children, a group in charge of monitoring regulations concerning the situation and the protection of children's rights, the third group is in charge of ethical issues and media presentations, and the fourth group is responsible for co-operation with local administrations. All four groups were efficient in the period between 2000 and 2003. In the framework of the activities of the second and fourth working group a research has been initiated on the implications of the system of education in Vukovar where separate education exists in Serbian language and letters and Croatian language and letters.

The results of the research were presented and recommendations were formulated with the participation of children, parents and teachers of the schools in Vukovar, the representatives of governmental authorities and local administration, non-governmental organisations and professionals at a professional meeting in May 2003 in Vukovar. (More details in III./ 2. The best interests of the child – and VII. Education, literacy and culture).

The ethical codex of the research with children is the result of the work of the Group for Ethic Issues of the Council for Children and it was presented at a professional conference and in public on December 3rd 2003. Due to the fact that numerous

researches in different scientific areas like medicine (paediatrics) criminology, pedagogy, psychology, social work, rehabilitation, law, etc. include children as participants, therefore, this Ethic Codex is necessary for the protection of children's rights. Namely, researches with children, that are important for the expansion of scientific knowledge and its' practical implications, have to be implemented by taking into account to the utmost the best interest of the child.

The recommendations of the Council for Children receive an adequate media attention, but the responsible ministries are very slow in implementing them when working on a change of legislation.

Item 28.

In the area of protection of children with special needs, namely children with disabilities it is important to mention that a Uniform National Strategy for Persons with Disabilities has been developed for the period 2002 to 2006 (in 2002) as well as a Uniform Zagreb Strategy for Persons with Disabilities for the period 2003 to 2006 (in 2003). The National Strategy in Part 3.3. *Education* gives a number of recommendations that promote the educational integration of children with developmental difficulties.

Item 39.

The State Report presents insufficiently projects that have been implemented due to UNICEF support in the period between 1996 and 2001. These projects were implemented at different levels from local to national, and by non-governmental to governmental and university organisations – that have by its' range of activities and innovative approaches been very efficient in promoting and implementing children's rights by calling upon the CRC regularly (see 3. – International Co-operation).

3. *International Co-operation, item 50.*

Concerning the numerous projects implemented in co-operation with UNICEF in the period from 1996 to 2001 we should mention programs, especially in the sphere of education, and in the Second State Report they have been mentioned only in 4 lines of a paragraph. The area of education is in Croatia a very sensitive issue, since the complete educational system, ranging from school syllabus, school management and financing is very centralised, and the teaching method and organisation is dominated by the frontal and directive method including control and punishment. Therefore,

these projects with their innovative approaches have opened up a process of democratisation of schools and enabled new conditions of education, respecting the differences of children and their different needs. We will mention as good examples long-standing and more comprehensive projects that were at the beginning implemented in schools in the areas destroyed by war or in the areas of two-sided return, namely in the reintegrated areas (as is Podunavlje) and later on expanded to other areas of Croatia.¹

These projects are: "Efficient / Active School" that intercedes for a communicational-humanistic approach in education, and resulted with the book (ed. Zarevski, P.) "Teachers for teachers: examples of implementing principles of an Active/ Efficient School", Zagreb, 2000; "Quality School" that expanded today to 100 schools in Croatia and focuses on a pupil-oriented school and interactive responsible methods of learning and teaching; and "Peaceful problem/conflict resolution in schools and mediation among peers ", a program that at the end of its' 6 year implementation included 87 schools and 268 teachers that worked a whole year extracurricular workshops with approx. 3200 children. The result of this project are two books – guidelines for non-violent conflict resolution in schools: "Za Damire i Nemire: vrata prema nenasilju", (ed. Uzelac, M., 1997), that was previously printed as a brochure in two languages (Croatian language and Latin letters and Serbian language and Cyrillic letters), and "Za Svemire: radionice miroljubivog rješavanja sukoba za osnovnu i srednju školu" (Uzelac, M., 2000 – Croatian ed., 2001 – English ed.). The non-governmental organisation "Mali korak" – Centre for the Culture of Peace and Non-violence, was established as a grass-root organisation in the framework of the anti-war campaign in Croatia, a network of non-governmental organisations that were focused since the beginning of the war on non-violent actions, peace building and political/ social changes. "Mali korak" carried out this educational project and worked directly on the promotion and implementation of children's rights, especially in the areas where danger existed of a potential and actual ethnic and religious conflict. This organisation was also invited to take an active part at the Preparatory meetings and the UN Special Session for Children GA, New York 8-10.05.2002. The president of the

¹ According to data from "Project Plan of Action 1996,1997, 1999", "Semestrial Project Monitoring Report, January- June 1997, "Education – Programme Plan of Action 1999", UNICEF Office for Croatia

organisation was one of 8 speakers from NGO's that had the honour to speak at the Special Session.

The Open Society Institute in Croatia had financed since 1994 the implementation of the program "Step by Step", that represents the practical implementation of the approach focused on children from the crib to 11 years of age. In the framework of the program that has been carried out in Croatia by the Association of Parents "Step by Step", some 2500 teachers and class teachers were educated since the beginning of the program implementation. The program implementation "Step by Step" also resulted in a number of manuals for teachers and class teachers and this facilitates an easier transition to the new paradigm of work with children.

III. GENERAL PRINCIPLES

1 Non-discrimination

2 The best interests of the child

The example of separated education of children – schools with lectures in Serbian language and letters and schools with lectures in Croatian language and letters exist in the greater part of Podunavlje – is a subject of continuous discussions and two-sided criticism within governmental bodies (adequate boards and co-ordinations), the concerned ministry (Ministry of Education and Institute for Education), political parties, local administration, non-governmental organisations, experts and certainly the active participants of this process: parents, teachers and children that are educated in that way. Since this case has become intensely politicised in Vukovar, and this is a multileveled problem, this report relies on the research undertaken in 2001 by the Department of Psychology of the Philosophical Faculty in Zagreb in agreement with the State Institute for the Protection of Family, Maternity and Youth concerning social implications (segregation) and implications in regard to the best interests of the child – that this separated educational system has on children². The results of this research were presented at a professional meeting on 29 and 30 May 2003 in Vukovar and conclusions were formulated and the Council for Children forwarded them to the relevant ministries.

The starting point of this research consists of relevant theoretical and practical approaches to education of minorities in Europe today, where in the last 30 years special attention has been paid to the organisation of education of children from national minorities and from immigrant communities. Namely, in many European countries the old assimilation approach has not given the expected results concerning the integration of minority groups in the majority societies. The more modern approach of education of minority groups has as an aim to preserve particularities of the minority cultures considering them as equal in value and respecting the need that the majority culture is familiarised with and accepts elements of the minority culture.

² Data resource: a) FINAL REPORT on the project implementation “Attitudes of children, parents and teachers in Vukovar concerning the education of minority groups», main researchers prof. dr. Dean Ajduković and doc. dr. Dinka Čorkalo from the Department of Psychology, Philosophical Faculty, Zagreb, 2002.

b) Summary and recommendations from the professional meeting held on 29 and 30. 5. 2003, in Vukovar "Needs of Children in Vukovar: are assimilation or segregation the only solutions?", prof. dr. Dean Ajduković and doc. dr. Dinka Čorkalo from the Department of Psychology, Philosophical Faculty, Zagreb

The intercultural educational approach relies on these principles, and it relies on the right of minorities to education in their own language and on the co-operation of the recipient country and the country of origin, namely between the majority and minority nations. Besides, the intercultural approach to education involves inter-fusion of cultures that co-exist on the same territory, and not only mere acknowledgement of the fact that others and different people share the same territory, without real contacts and mutual familiarity and respect.

The problem of education of minorities in Croatia has been specially stressed for a number of reasons. As a country in transition that has restored its' sovereignty after the breakdown of the multinational community, Croatia has to assist in the organisation of education of the so called new minorities, first of all the largest, the Serbian. In 2002 this issue was solved by the Erdut Agreement as a transitional solution that regulated also the education of the Serbian minority group in the reintegrated areas of Croatia. The interest of the State to establish an uniform governmental legal system on the one hand, and the efforts of the Serbian minority community to preserve its' cultural autonomy, to prevent assimilation and preserve the possibility of cultivating its' characteristics, demand not only a political agreement but also differentiated development of strategies that are able to respond to the general and specific educational needs of children, members of minority groups, their parents and teachers. Therefore the first step in that direction was to review the situation of the organisation of the existing educational system in Vukovar and the region to receive a concrete feed-back from the main participants – children.

The children in Vukovar, actually separated because of their ethnic background, and because of a general social division that does not encourage out-of-institutional social contacts between Croats and Serbs, these children lack the chance to meet, learn and to socialise with the peers of other ethnic origin also in schools. Although the school is not the only socialisation agent, it is for a longer period of childhood and youth the fundamental formative agent, and therefore it is a justified assumption that the school could play an important role in the process of social reconstruction and the recovery of the social life in Vukovar. The experience of other countries (i.e. Israel, USA, North Ireland, Macedonia) reflect that schools and education are fields that the efforts of authorities and professional are focused on to overcome social conflicts of different ethnic, religious, or national groups and to establish more favourable social conditions for children that have to learn how to live together with others.

The research “Attitudes of children, parents and teachers in Vukovar concerning the education of minority groups“ was conducted in October 2001 on a sample of 718 pupils from primary and secondary schools in Vukovaru, 953 parents and 113 teachers that teach in schools in Croatian and Serbian language. First of all the attitudes of children, parents and teachers of Croatian and Serbian nationality towards separated and integrated education of children in Vukovar in regard to several aspects: the value of education for the life of individuals, attitudes towards the integration of education and general social integration of children of Croatian and Serbian nationality, attitudes towards religious education in schools, and their attitudes towards multi-culturality. The results of the analysis of these attitudes present the following:

1. Pupils, parents and teachers regardless of their ethnic origin consider education as a very important and highly positioned life value. All participants also clearly support the respect for differences. But by the analyses of all other attitudes it is possible to conclude the following:
2. Separated education of children has left the deepest impact on them; and unlike their parents and teachers, the children express a great readiness for the discrimination of members of the other group. This clearly demonstrates that the segregated mode of education by which children cannot come into contact in their most natural surrounding – in schools – has far fetching consequences for the process of social reconstruction and integrated intercultural life. Herewith are the chances and equal opportunities for minority group children decreased.
3. Although the parents of children attending education in the Serbian language and letters also think that separated schools are the most desirable solution, it is important to stress that other offered options are also acceptable for them, options that guarantee the preservation of their native language and culture.
4. Teachers in the education held in Croatia and Serbian language demonstrate very different attitude towards forms of education of minorities. Psychologically the assumption is justified that at the bottom of these differences are not only different attitudes towards the preservation of the minority cultures, but also the fear that a number of teachers will loose their jobs if the education will be organised in a different manner.

The results of this research demonstrate that the segregated educational system prevents a successful integration of children, members of the minority group, in the society of the majority group and this influences their psychological health: feeling of self-respect, acceptance and successfulness, as well as their possibility for good vertical mobility and adoption of a safe and complementary dual identity.

The discussion at the professional meeting of the participants of the educational process demonstrated that for all, the primary need and aim is to have a quality school and not an ethnic exclusive school. Therefore the most desirable school model was identified as quality school, with well educated teachers, and good equipment and different extra-curricular contents that would enable children to spend their time usefully and meaningfully, regardless of the ethnicity. Such a school should include and offer programs that will enable the children from minority groups to meet their specific cultural and identity needs, in a way that does not separate them from the majority of children. By this we talk about the general conditions of the educational policy – the centralised approach.

The local community in co-operation with professionals has to put their effort into finding a way to enable a larger offer of possible forms of education for minorities, that will give the minorities and majority groups the right to real choice. The current situation is not a situation of choice in the real sense, but a dilemma either-or, that people wish to solve in a psychologically understandable most simple way, a then *the best interests of the child* are placed on an inferior position.

(See more about it in chapter VII. Education, literacy and culture).

Amendment of the quote - item 68.

From the current constitutional and legal framework of protection of human rights and the prohibition of discrimination, it can be concluded that Croatia has developed to some extent, especially concerning the harmonisation of the local legislation with international standards.

At the meeting of the Committee for Human Rights in Geneva in May 2002, the official representatives of the Republic of Croatia were particularly asked to give their explanation because of the case of separating Roma children from other children in a few primary schools in Međimurje³.

³ See: CERD, Concluding observations of the CERD Committee: Croatia. 21/05/2002, www.unhchr.ch/tbs/doc.nsf

The Roma population as a social group is exposed to all forms of marginalisation. To which extent, it is hard to present with certainty. This field is not systematically monitored (except for a couple of smaller sociological researches about the marginal position of Roma people in the society).

According to the existing data their problems are as follows: the issue of their housing and living standard, high unemployment rate, high percentage of illiteracy and small number of children included in the educational system.

A large number of Roma population lives in the suburbs of towns and cities, without the basic medical, sanitary, hygienic and housing minimum. According to the 1991 data there were 3 367 Roma people living in bigger cities and, and 3 328 in the other settlements. Their economic status is a result of their educational, qualificational and professional insufficiencies for a job. The majority of the members of the Roma community are employed only occasionally or they are unemployed. Their source of income is not consistent. Very often they have several sources of income (if they have an income). To a large extent they are beneficiaries of social welfare assistance.

The Roma children of the kindergarten age are rarely included in this kind of education.

The NGO “Udruženje Djeca prva” organises workshops since 1997 for children and for mothers “self-reliance” workshops in the area of Zagreb and its’ surrounding settlements where the Roma population represents the majority. These very valuable efforts are not sufficient because the need for pre-school education of Roma children to help them learn the Croatian language and skills needed for their school education exists in other parts of Croatia also.

Roma schools (bilingual education, subjects tackling the national culture, etc.) do not exist. In the educational system there are no Roma teachers or teachers familiar with the Roma language. Beside one Roma primer (which is not in official usage as such) published by a Roma association nothing else exists.

Roma children of the school age attend school in the Croatian language with the other children, but only 10% of Roma children really finish primary schools. Only very few continue their secondary education. In 1994 some out-of institutional initiatives were started, such as the summer-school for Roma children in Croatia. This was organised by the Association of Roma people in Croatia, The Committee of the Roma pastoral of the Croatian Bishops' Conference with the support of the Ministry of Education and Sports.

At the beginning of 1998 the implementation of the Program of including Roma children in the educational system of the Rep. of Croatia started. The National Program for the Roma Population in the Rep. of Croatia was brought in Sept. 2003 and its' implementation has not yet started.

There are no official data concerning the number of Roma children included in the regular educational system⁴. According to some statistical data we can come to the conclusion that only 50% of the Roma children attend primary school, and from that number only some 50% finishes primary school (which means that only some 25% of the total number of Roma children finishes primary school). The secondary education is continued only by 10% of Roma children (which represents only 2,5% of the total number of Roma children). Only 50% finishes secondary education (which represents 1,25% of the total number of Roma children). Only 1% from this number continues their education at the universities (representing 0,01% of the total number)⁵.

The results of a research⁶ that was carried out in 2002 in this area by a team of independent professionals, demonstrated a high motivation of Roma children for attending school and communicating with non-Roma children. But, these children expressed their strong feeling of uneasiness and exclusion because of the separated classrooms and the behaviour of the non-Roma children towards them. The teachers and the headmasters stressed the difficulties of working with Roma children because of their unpreparedness for school, insufficient knowledge of the Croatian language, very poor hygienic habits, and a lack of co-operation with parents. They stressed that it is easier to work in separated classrooms according to a special program (that includes only 20% of the program for the non-Roma children). But the consequences of implementing such a program during the first four years of primary education of Roma children is that a large percentage of children leaves school in the higher grades.

Although the teachers declared that they have the same relation towards all children the CHC activists have noted a case of physical violence by a teacher towards a Roma child.

In April 2002, 57 Roma children from the Međimurje County, have filed a complaint against the Ministry of Education and Sports, local authorities of the Međimurje

⁴ Total number of pupils in primary schools is approx. 1.380, and in secondary 200 (from Chapter I: Political replies, p. 322, www.vlada.hr)

⁵ See: Report for Croatia in "Save the Children Report", p. 124

⁶ Croatian Helsinki Committee, Internal document from 2002 (available on demand)

County and 4 primary schools, for segregation in the Međimurje schools. The legal advice was received by a local lawyer, who was engaged by the CHC and the European Roma Centre. Since the complaint was rejected by the Municipality Court, the case was transferred to the Constitutional Court of the Rep. of Croatia. In case of failure, it has been planned to file a complaint at the European Court for Human Rights⁷.

Although the non-governmental organisations concerned with human rights and Roma organisations continuously warned the local authorities and the Ministry of Education and Sports about the situation in the Međimurje County, the situation did not improve. On the contrary, the situation deteriorated in Sept. 2002 when the parents of the non-Roma children tried to prevent the Roma children to enter the school on the first school day. The Ministry reacted by forwarding a letter to the local authorities demanding a reorganisation of education with the aim to improve the situation of the Roma children in the school.

The pre-school education for Roma children does not function as it should. Although there are Roma assistants that are incorporated in the education and who communicate with the parents, still there are no programs of systematic support to Roma parents and there is no program for additional education of the Roma assistants.⁸

From 1999 to 2003 the NGO “Udruženje djeca prva” organised 12 three-day seminars for the future Roma assistants, teachers and social workers. Twenty Roma assistants were educated and the majority was later employed in the public educational system. The employment conditions for the Roma assistants were unfavourable and they quit their jobs. The National Program for the Roma population in the Rep. of Croatia from 2003 foresees one Roma assistant in each classroom where there are more than 5 Roma children. Therefore, for this purpose adequate funds would have to be allotted from the state budget.

⁷ Roma Rights, Quarterly Journal of the European Roma Rights Center, No 1-2, 2003, p. 83

⁸ Croatian Helsinki Committee (CHC): The report on the Status of Romani Children in the Primary Schools in Međimurje and Varaždin County, Sept.2002-March 2003

IV. CIVIL RIGHTS AND FREEDOMS

Name and citizenship (CRC Art.7)

The existing legal framework guarantees to the Roma population rights as members of a minority group and as persons legally residing in the Republic of Croatia, regardless whether they are citizens or foreigners.

But, the practice raises some doubts concerning the adequate and efficient implementation of the law.

Up till now, according to the information from Roma organisations and human rights organisations, persons of Roma origin had problems in the following cases: when filing the request for Croatian citizenship, regulating their status as foreigners, when registering their place of domicile or residence, regulating their health insurance and their rights to social welfare support.

In cases when Roma persons filed in their request for citizenship they had problems because of the regulations of the Law on Croatian Citizenship⁹. Terms like 5 years of permanent residence, the knowledge of the Croatian language and letters represented a big obstacle for part of the Roma population for acquiring the Croatian citizenship¹⁰.

The realisation of the rights of Roma children is a specially sensitive problem. Very often they cannot realise their rights guaranteed by the Convention on the Rights of the Child or the national legislation, because their parents were without citizenship or they are unknown (according to the register of births)¹¹.

Besides the legal obstacles the Roma population is often exposed to incorrect treatment of governmental services. The lack of sensibilisation of the government administration, some centres for social welfare, a part of the police, Government Office for National Minorities, can be documented by a larger number of cases that were noted by the Roma themselves and activists of local and foreign human rights organisations¹². The problem of accessibility to legal advisers (lawyers) as well as the efficiency of court protection of their rights is an obstacle more, for the realisation of

⁹ See: CERD, Concluding observation of the CERD Committee: Croatia.21/05/2002, www.unhchr.ch/tbs/doc.nsf

¹⁰ CHC Report for 2001, www.hho.hr/aktizvj02A.htm

¹¹ internal documentation of the Centre for Direct Protection of Human Rights

¹² See the following Reports: CHC, European Centre for the Rights of Roma, American State Department, OSCE in Croatia

the rights of the Roma population. Regardless of the possibility to ask for and receive, as a population in risk, free legal representation and legal assistance of lawyers through the Croatian Bar Association, in the majority of cases they do not know about it or they have problems in gathering documents needed for filing requests.

Protection of privacy (CRC Art. 16)

Each HIV positive person has the right to privacy and protection of their personality. In Croatia there have been 340 persons registered with HIV/AIDS. The case of the HIV positive girls where their privacy has been grossly endangered, is an indicative case of violation of the right to privacy and the right to education. In the first and the second segment the concerned ministries have failed (health, labour and social welfare and education). The decision about when a HIV positive person will reveal that he/she is seropositive is a decision brought by each person for her/himself. In the case of HIV positive children, their parents have the right to decide whether it is in the best interest of their child to reveal this information or not. In the case of the two girls, this decision had to be brought by their legal guardians and not by their foster parents. There is no official information on how this case came to the attention of media. The media handled this case in a sensation mongering way and they published the photographs of the foster parents as well as partly of the children and have endangered the children's privacy, which is contrary to the ethic and legal standards on special protection of minors. Numerous dilemmas have been left unsolved, and the greatest is whether the best interest of these children has been protected in accordance with the Convention on the Rights of the Child and the national legislation. Legal experts, concerned ministries and governmental institutions, committees and boards, as well as non-governmental human rights organisations did not make a clear statement about the subject in the public.

Access to information (CRC Art. 17)

Addendum – Item 112.

Centre for Social Policy Initiatives in co-operation with the Ministry of Labour and Social Welfare implemented the project «Participation of Children Placed in Institutions – the Rights of the Child». A cycles of workshops has been held in 4 institutions with the purpose to inform children about their rights according to the CRC, focusing on participatory rights, learning and practising skills of active

participation (communication skills) and strengthening children to stand up for themselves. A part of the project activities were focused on their teachers and professionals from children's institutions. The professionals were trained, through workshops and continuous support of CSPI staff, on the rights of children (CRC) and were motivated to respect those rights/ to enable the children to practice their rights in the every-day life – the life in an institution.

The children, their teachers and headmasters of these institutions report that during the project implementation and after, the children were able to take a better part in their upbringing and to stand up for their own and other children's rights with adequate arguments.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

1. Parental guidance and responsibility (CRC, Art. 5. and Art.18. item 1-2)

State Report, Item 123.

According to the Law on the changes and addendum of the Social Welfare Act dated 16 June 2003 (Official Gazette103/03) financial assistance for assistance and care is available to the following persons:

- persons with serious physical and mental disabilities,
- persons suffering of serious psychiatric disorders
- persons suffering of serious and long-term health disorders,
- blind, deaf and deafblind persons who are unable to lead an independent life and to work.

8. Periodic review of the child's placement (CRC, Art. 25)

An addition and correction of the statement from the State Report under item 155 concerning the implementation of Article 25 of the CRC. Item 155 of the State Report mentions the issue of the mode of accommodation of children without adequate parental care that have been identified and registered in the Rep. of Croatia as foreigners – children outside their country of origin separated from their parents or guardians.

The issue of children separated from both parents, outside their country of origin and the mode of their accommodation in the Republic of Croatia should have been mentioned in Chapter V Family Environment and Alternative Care, and not as part of section **8 Periodic review of the child's placement** according to Article 25 (proposal: section 1 Separation from parents and care outside their own family (Art. 9 and 20).

In 2001 a Task Force for the protection of separated children was established with the aim to provide protection to this especially vulnerable group of children. This Task Force consists of GO and NGO representatives that are responsible for this group, or from the NGO sector that are able to provide support to this group of children. The Co-ordinative group consists of representatives from relevant ministries (social welfare, ministry of the interior, education, and health), the governmental office for legislation, Red Cross, Caritas, CSPI and UNHCR.

The role of this Task Force was especially important for identifying this problem, monitoring the situation of this group of children in Croatia and for proposing measures for improving the situation of separated children outside their country of origin that have been identified in Croatia.

Since 1997 CSPI has been member of an international initiative established by the Save the Children Alliance and UNHCR for the EU countries – SCEP/ Separated Children in Europe Program (CSPI has been part of this initiative from the very beginning because of its' experience in the implementation of the project «Unaccompanied Children in Exile»). Therefore, in 2000 CSPI has made the first national report on the situation of separated children/ foreigners in Croatia. In 2003 a follow-up report has been drawn.

Problems that children separated from their parents or guardians that are foreigners in Croatia are as follows:

- The appointment of guardians for this group of children ensures the best interest of the child only on the formal level – in practice this institute does not have its' real function, because of the concept of an «urgent return of the child» the guardian does not have a chance to get to know the child neither to advocate for forms of care that would ensure and protect the best interest of the child
- Primary health care for this group of children has not been established as a usual procedure when the child enters Croatia, and due to the lack of primary health care the child's health might be endangered as well as the health of people that are in close contact with this group of children during their stay in the Republic of Croatia
- In the framework of the concept of «urgent return» the educational system cannot fulfil the need of this group of children for education
- The concept of accommodating children older than 12 years of age in the emergency departments of the institutions for children with behavioural problems, establishes in advance the special needs of separated children in the Rep. of Croatia, and by that stigmatises them additionally.
- The high fluctuation of this group – from running away to disappearance of a large number of these children only a couple of days after they have been accommodated might imply that their existence is endangered or that there is a high possibility of them being trafficked.

VI. BASIC HEALTH CARE AND SOCIAL WELFARE

1. Disabled Children (CRC, Art. 23.)

State Report, Item 170.

Since Sept. 2003 the NGO “Dodir” ensures the implementation of a 2-year optional program of manual forms of communication for students of pre-school education and class teachers education at the Teachers’ Academy, University of Zagreb.

In co-operation with the Faculty of Education and Rehabilitation the NGO “Dodir” also started the program of Support service, namely support in the form of translating for an adolescent girl in a professional high school and since the beginning of the academic year 2003/04 the same support has been provided in a high school in Zagreb with the approval of the Ministry of Education and Sports and the Office for Education and Sports of the City Zagreb.

Item 174.

Since 1999 the Croatian association of deaf-blind “Dodir” implements a program of professional patronage work of education of deaf-blind children and in 1999 and 2000 it was supported by the Ministry of Labour and Social welfare and since 2003 by the Ministry of Education and Sports.

The program cultivates a **special approach to the work with as well as methods and techniques** of work that enable complete development of deaf-blind children, children with sensor disabilities and additional developmental disabilities..

2. Health, health care services and nutrition (CRC, Art. 24)

State Report, Item 178 .

In spite of the fact that the Law on Protection of the Population from Contagious Diseases proscribes obligatory vaccination of all children regardless of their health insurance status, the Roma children are in practice very rarely vaccinated, because their parents are not citizens of Croatia or the children have not been registered at birth. Namely the children practice their right to obligatory vaccination only if their parents ask for it – and in the case of the Roma children the parents are not ready to do it.

**4. Social security, assistance and facilities concerning the care of children
(CRC, Art. 26 and 18, items 2 and 3)**

Item 193.

The Labour Act of the Republic of Croatia that is in force since 01.01.1996, provides in article 66 that one of the parents of a child with severe developmental disorders is entitled to child-care leave or to work half-time until the child turns seven.

VII. EDUCATION, LITERACY AND CULTURE

1. Education including practical training and educational goals

The Second State Report is in this part very deficient since it was focused only on current statistical data concerning the number and structure of schools from the 2001 Statistical Bulletin and the presentation of the National Board for education and human rights education (that now includes democratic citizen's education and some other projects in the field of education for children on human rights and the rights of the child).

One of the most important changes is the law that enables establishment of private schools, from kindergartens to primary and secondary schools (pursuant to articles 65 and 66 of the Constitution of the Republic of Croatia), and the provision (according to article 2 of the Law on the Changes and Amendments of the Primary Education Law from 2001) that primary school education may use alternative teaching programs, namely methods. By this the parents and children have the possibility of choosing between institutions (public, private, confessional) and programs (public and alternative) in accordance with the capabilities, interests and needs of children. But, private schools have very little if any influence nor co-operation with the Ministry of Education and Sports.

Religious education is an optional subject in primary and secondary schools and are attended by those pupils whose parents give their written consent. One more positive change that was confirmed by law (Art. 3 of the Law on Changes and Amendments of the Law on Primary Education from 2001) is that primary education of children, members of minority groups should be in accordance with the Law on Education in the language and letters of minority groups, and that the teachers and assistants are obliged to take measures to protect children's rights and to report on any violation of these rights, especially concerning forms of physical or mental violence, sexual abuse, neglect, neglectful treatment, maltreatment or child exploitation, actually they have to report to the relevant social services or other relevant governmental body. These are mostly the positive changes concerning the implementation of the CRC in the sphere of education, literacy and culture. All other characteristics (difficulties and shortcoming) of the Croatian educational system concerning the realisation of children's rights we will critically present in regard to two different documents: 1.

"Thematic Review of National Policies for Education Croatia " prepared by the OECD Centre for co-operation with non-members in the framework of the Stability Pact for Southern Europe – Task Force for Education Program, and 2. "Strategy of Development of the Republic of Croatia 'Croatia in the 21st Century'" - EDUCATION (a White Book on Croatian education) prepared by the working group of the Governmental Office for Strategic Development of Croatia in September 2001.

According to these two documents – the existing educational system is centralised, based on educational paradigm, meaning that it is favouring a school focused on subjects and cognitive knowledge and not on pupils and their needs, a school with a strict hierarchical structure of the organisation of teaching and learning, frontal forms of work and with no possibilities of movement inside the system – nor horizontal nor vertical. The current system gives the possibility of an early orientation in two basic educational models with restricted possibilities of changing in later phases. It should be possible for pupils to change from one model into another at any stage of education.

There are also regional differences in the approach, especially at the tertiary level: outside bigger cities and industrial centres the choice is very much reduced and this greatly restricts the possibility of employment of young people finishing schools.

The greatest restriction present the overloaded and centrally (nationally) planned educational plans and programs – that do not correspond with the individual developmental needs of youth nor with the developmental needs of the society.

The legislative, regulational and financial structure does not give space to qualified local actors to take part in the creation of a school curriculum that would be in accordance with the needs of the society, even the teachers and parents do not have the possibility to influence decisions that are of utmost importance for the children and the protection of their rights. In spite of the fact that the new Law on the Changes and Amendments of the Law on Primary (and secondary) Schools has brought some novelties concerning the school management (the school board chooses the headmaster) – the headmaster has nearly an unlimited power in organising the education, choosing the teaching staff and other professional school issues – as is for example the additional professional training of teachers. It is often the case that neither parents nor teachers can influence the organisation of school shifts, and some children (even younger than 10) have the whole school year classes organised only in

the afternoon shift, therefore, if the parents are employed only in the morning shift the children can exercise their right to parents only a couple of hours in the evening.

The number of obligational subjects is very large and the number of optional subjects is very small. The optional subjects become obligational once when the pupil chooses these subjects. The programs of optional subjects are also centrally planned and programmed. The only freedom exists in the choice of extra-curricular subjects, but due to a lack of financial means they are left to the teachers' enthusiasm. Only in this field we find the new paradigm: pupil-oriented themes, interactive, participatory working methods, work on projects, learning and teaching in co-operation. Only here we find learning skills and positive strategies of encouragement and not penalties for pupils.

In Croatia a number of different projects have been initiated to prevent violence among children (bullying) but very few have started on the democratisation of the relationship between children – teachers - parents, and children are further subjected to the violence of a hidden curriculum and the authoritative behaviour of teachers, as well as to the punishment of parents due to poor school achievements. In 2002, before the UN Special Session for Children - the UNICEF office for Croatia in the framework of the campaign «Say Yes for Children» made a survey and the children stressed as their biggest problem physical punishment. The newspaper headlines were «The children of Croatia declared to UNICEF that they are being physically punished».

Item 207.

According to the opinion of the Governmental Office for NGO's the National Board for Human Rights Education should consist of at least one third of members from the NGO sector (those that are concerned with advocating and promoting human rights and with education for peace and children's rights) – but only 3 representatives were included in the National Board and they had a chance to take part at only one session and only one representative got the chance to work in a co-ordinational group. The National Board delegated the implementation of the educational program for human rights to the Institute for Improvement of Education ¹³, therefore a larger part of the professional training for teachers in this field was done by the counsellors of the

¹³ Report on the implementation of the National program of human rights education in 2002. ", Zavod za unapređivanje školstva, Zagreb, 13 Dec. 2002.

Institute, that are insufficiently educated in the field of human rights and democratic civil education, and a part of this professional training was carried out unprofessionally or they changed the subject to some kind of additional professional training, and mostly it was done in a traditional way, as classic lectures and not as interactive workshops. Out of a number of NGO's concerned with this education priority was given to the Croatia Red Cross and their project «Humane Values», and a manual of the same name was handed out in 8000 copies to teachers as a material for teaching in the field of human rights. The most adequate professional engagement was achieved in the field of educating pre-school teachers on human rights. For this the Co-ordination initiated an adequate manual, written by Maleš, Milanović, Stričević: "Living and Learning Rights: human rights education in the system of pre-school education ", Zagreb, 2003. The latest co-ordination in the framework of the National Board is the Co-ordination for education of democratic citizens, and it initiated professional training sessions for teachers of primary and secondary schools (2 two-day seminars), and the Ministry of Education organised an international seminar 15-18 June, 2003, "Education for Democracy and Human Rights ".

The State Report gives incomplete data concerning **children with developmental disabilities** and they are mentioned only in regard to the number of children included in special programs. From those data one could conclude that there are 0,5% children with special needs and that they are not included in the regular educational system, which is untrue.

Children with special needs attend since 1980 regular and special schools, and in 2000/ 2001 approx. two thirds (7.500) attended regular primary school programs, and a third of them attended special school programs (3936). In relation with the total number of school children there are 3% of children with special needs, which means that there is still a large number of undiscovered children (the figures in the world are that there are some 10% of children with special needs), that stay at home without adequate education or they are still undiscovered in schools without satisfactory treatment, and this result in school drop-out or other forms of behavioural disorders.

The situation is also serious because there is a lack of professional staff in schools, especially psychologists and special pedagogues (approx. 3000 pupils on one

psychologist). Beside that the teachers have insufficient psycho-pedagogical education, and they lack especially information on children with special needs. A number of researches by eminent Croatian professionals reflected that children with special needs have not found yet their place in schools, that they are not accepted by the teachers and peers, and that in the 20 years since their rights were regulated by law, not much has been done in that direction.

Concerning the secondary education the State Report omits again in a similar way, since they mention only the data of the number of children included in special programs and not the number of integrated children (approx. 1000 children).

The Report also lacks the presentation of the situation of pre-school education. Only 1/3 of children are included in the organised education, among them there are 1% of children with special needs. Although the Law on Pre-school Education gives priority to enrolment of children with special needs, in practice this right is mostly violated at the local level.

From the Report it is visible that it has not been recognised that the children with special needs are present in the regular surrounding of their peers. Therefore, they often leave regular schools and go to special schools. In this way they become second rate citizens because they are trained for unattractive professions because of restricted possibilities of choice of profession and in the majority of cases they are not employed. In this way they become social welfare cases that the state has to take care of.

The situation is harder concerning the data on care of children with special needs because the Ministry of Education and Sports and the Ministry of Labour and Social Welfare have separate statistical data.

Therefore the data in Chapter VI are confusing because they mention 469 children with special needs. This means that the Ministry of Labour and Social Welfare have this number registered and it is possible that some are registered by the Ministry of Education and Sports. As is seen from chapter VI of the Report further institutions for children with special needs are being built, which reflects a slow change towards inclusion into the community.

The organisations of parents are still not strong enough to advocate the rights of their children, nor are activities on this level carried out in a systematic and organised way.

From the above mentioned it is obvious that the children with special needs do not enjoy their rights to education and by this Art.2 of the CRC is being violated.

Similarly, the best interests of children are not in the focus but the interest of the educational institutions and their staff, since the realisation of the children's rights depends on their good will, and therefore Art. 3 of the CRC is not respected.

In regard to article 23 it is obvious that 20 years (since the educational law was brought) are not enough for the realisation of rights to a worthy and equivalent education of children with special needs in the existing educational system.

The role of the NGO sector gradually raises in the field of education and programs are being introduced to strengthen elements for including children with special needs, parents, teachers and children. Such programs are financed and monitored by relevant ministries.

RECOMMENDATIONS

Children with special needs:

According to the Convention on the Rights of the Child *every child has the right to adequate education*, and articles 23 and 28 stress the ***right to inclusive (integrated) education based on the right to equal opportunities***.

Article 23 stresses that *disabled children have the right to education designed to help achieve the highest level of integration in the society and stimulate the best possible personal development*. This obligation has to be considered together with articles 28 and 2 that confirm that *disabled children should be provided with education without discrimination*, and article 29 that demands *that education «to the highest possible level» be directed at the development of the child's personality, talents, social and physical skills*.

In accordance with the above mentioned it is necessary to:

1. Ensure adequate communication in the implementation of educational programs using alternative modes of communication.
2. Ensuring early intervention programs of education and rehabilitation using sensomotor stimulation, namely the rehabilitation of children with sensory impairments and additional developmental difficulties.
3. Ensure information and education of teachers about specifics of different disablements in order to ensure the integration of disabled children in regular school programs which is possible only by training teachers to use different methods and techniques of work with disabled children.
4. Develop mobile support services for educational integration, namely educational interpreters for children with hearing impairments and for deaf-blind children in primary and secondary schools.
5. Monitor systematically and sanction all violations of rights, since the rights of children with special needs are violated mostly because laws that regulate these issues are not carried out.

To carry out this measure it is needed to strengthen the administration that could act in this area both on the national and local level.

By developing a partnership between educational institutions and the civil sector (in this case parents, children and independent professionals) it is possible to protect the rights of children with special needs in a more efficient way.

6. Monitor the implementation of the measures of the «National strategy of unified policy for disabled persons from 2002 to 2006», especially measures that raise the information level of teachers about children with special needs, strengthen families of children with special needs and insist on the responsibility on all levels of decision making factors to carry out inclusion.
7. Since there is a large number of laws that are concerned with the rights of children with special needs and there are different departments and levels that are responsible for the implementation of these rights, therefore, it is very hard to monitor the realisation of rights and sanction violations. It would be more efficient and faster to ensure the rights of children with special needs if there were a Law on non-discrimination.

Separated Children, Foreign Citizens, in the Republic of Croatia:

It is necessary:

1. To come up with recommendations for the procedure for the period before the laws take effect (i.e. Asylum Law), and to establish regulations for the procedure, for the practice to prepare in time for the implementation of regulations of the laws that are going to take effect.
2. To determine who is going to manage a unified database on separated children in the Rep. of Croatia, and in this framework who is going to register and document these children, that was formally agreed upon. The existing data that are managed by the Ministry of Interior and the Ministry of Labour and Social Welfare are not synchronised.
3. The accommodation of separated children outside their country of origin found in the Republic of Croatia has been recognised as a problem. In this regard a serious problem is also providing adequate care and special programs to cover the specific needs of this especially vulnerable group of children. Therefore, it is necessary to ensure adequate accommodation where this group of children could receive all the needed assistance and protection. The

activities of NGO's could significantly contribute to meeting the special needs of this group of children. The establishment of specialised foster care could be considered as a form of accommodation for children requesting asylum or for refugees.

4. There is a need for education of professionals for interviewing separated children outside their country of origin in order to enable the child to explain his/her case freely without fear in accordance with his/her age and maturity. In the framework of this education it is necessary to ensure relevant information about possible distresses or maltreatment in the potential countries of origin from where the children come to Croatia, and about the specific ways in which the children express their experience. Interpreters that will potentially take part in the interview also have to be included in the education.

Education:

1. The strategies that should be developed for the education of children in Vukovar should be based on the existing tradition of minority education in the Republic of Croatia (i.e. Italian, Hungarian, and Slovak minorities), on good practices of minority education in European countries, but also on the practical knowledge of psychology and other professions about the role of the mother tongue for child development, about the importance of cultivating the culture of origin for the development of a positive self-image, for ones' own group identity and for the awareness about the values of ones' own culture in the framework of a wider social community. But, this knowledge has to be widened with the knowledge about the importance of a good integration of a child, member of a minority group, in a majority population. A number of researches reflect the importance for the child's psychological wellbeing the acceptance inside a majority culture, and that it is connected with self-respect, enables a good vertical mobility and the adoption of a complementary dual identity (i.e. Phinney, 1990; 1996, Sidanius and Pratto, 1999).
2. Reorganisation of education in Podunavlje is recommended with the maximum engagement of all factors. Namely, because of political interests of leaders of the majority population, as well as of the minority population the best interests of children are violated – identically their right to preservation of

national identity and culture, as well as their right to good conditions for social integration and acceptance in the majority surrounding and culture.

3. It is recommended to train a larger number of Roma assistants in co-operation with non-governmental organisations/Roma organisations throughout Croatia, and priority should be given to counties/local communities where a larger Roma community lives.

Besides support to special programs of pre-school education, workshops etc. for Roma children, it is necessary to support the enrolment of Roma children in the regular pre-school educational system (with Roma assistants) in order to ensure inter-cultural learning, inclusion instead of integration.

HIV/AIDS

1. The GO and NGO sector should promote, advocate and implement programs of education for parents, guardians, foster parents, professionals and journalists in order to raise awareness about HIV/AIDS and to protect the rights of the infected persons. Compulsory education of the school population (6-18) concerning prevention and protection from HIV and AIDS should be introduced throughout the educational process.

SUMMARY

The Complementary NGO Report addresses areas of children's rights that the State Report did not include or the information included in the State Report which needs additional clarification or reflection.

In the area of GENERAL MEASURES undertaken for the implementation of the Convention,

the Complementary report addresses the policy level in the area of children's rights. The NGO report points out the development of documents and activities undertaken in the period from 2000-2003.

In the named period new laws were adopted – Law on Ombudsman for Children, Asylum Law, and the new Family Law.

New structures were put in place, such as the Ombudsman's Office for Children, and co-ordination bodies and committees dealing with the rights of children.

New legal documents (laws) and new structures aim to increase the quality of the situation of children in Croatia on the policy and implementation level.

The situation of children was treated and presented with increased sensitivity within the reorganised Council for Children, as an intersectoral GO and NGO body.

Among a number of initiatives of international co-operation in Croatia UNICEF had been the efficient actor/ partner in promoting social and educational goals and strategies affecting the situation of children in Croatia.

Related to the GENERAL PRINCIPLES, the NGO Complementary report addresses the principles of non-discrimination and the best interests of the child.

By addressing principles of non-discrimination and best interests of the child, the complementary report is targeting education of children of minority groups in Croatia. The model of education of minorities was analysed and discussed in the area of the post war conflict zone (Vukovar, East Slavonia) with GO and NGO partners. The results of the initiative could benefit the development of the European model of education of children of minorities.

Integration and segregation of Roma children in the educational process was addressed separately.

The integration model of education of Roma children in Croatia serves the best interests of Roma children, and in this regard the need for Roma assistants/ teachers in the educational process is not adequately covered in Croatia.

Related to CIVIL RIGHTS AND FREEDOMS, Roma children are a vulnerable group whose rights are potentially violated related to gaining Croatian citizenship.

The right to privacy was severely violated for two girls deprived of parental care and affected by HIV/AIDS.

In the area of FAMILY ENVIRONMENT AND ALTERNATIVE CARE the Complementary report addresses the situation of separated children, who are outside their country of origin without both of their parents. The report is dealing with the inadequate accommodation of separated children, insufficient health care services and the inadequate procedure of the appointment of legal guardians. Inadequate protection measures are increasing the risk of child trafficking of separated children.

In the area of BASIC HEALTH AND SOCIAL WELFARE the rights of group of the deafblind children is advocated mostly through the civil sector initiatives.

Vaccination of Roma children is not covered as mandatory, and in this regard Roma children are not efficiently protected, and their rights to health care are potentially violated.

The area of EDUCATION, LITERACY AND CULTURE is the most unbalanced area in the State Report. The State Report lacks information about the education of minorities as well as the education of children with special needs. The Complementary Report is addressing the educational component of human rights and child rights, and the legal framework – Amendments on the Law on Education. As children with developmental disabilities are included in the educational process according to special programs, the Complementary Report is introducing this component as well.

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