

CROATIA

Child-friendly justice

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1. The child's legal capacity

1.1 Minimum age at which a plaintiff can bring a case to court in their own right?

In Croatia, the minimum age to bring a case to court is

- 18 for family (unless children are married or emancipated), migration, health matters and administrative sanctions
- 15 for employment matters and placement in care
- 16 for asylum

In addition to the ages mentioned above, respecting the provisions of the Family Act, a child who is 14 years old has the right to independently participate in all the proceedings before the competent bodies that decide on his/her personal and property rights and interests, present facts, propose evidence, file legal remedies and undertake other actions in the proceedings, by the decision of the body before which the procedure is conducted.

Furthermore, the child who is 14 years old:

- has the right to independently initiate proceedings before the competent authorities to protect his/her personal and property rights and interests;
- has the right to oppose to give independent thought and oppose to the enforcement for the realization of personal relationships between parent and child;
- gives his/her consent to conduct the procedure for the recognition of paternity, consent to partial or full exercise of parental rights of a person who takes care of the child and consent to adoption, and a child who has turned 10 gives his/her consent to the change of name and nationality in the adoption procedure;
- can independently decide on the choice or change of religion.

Information on a minimum age at which a child plaintiff can bring a case to court in their own right in Croatia is presented in the Table 1 (and footnotes) – from 15 to 18 – it depends on a specific issue and a sort of judicial proceeding.

2. Access to adapted proceedings

2.1 Specialised institutions and competent authorities

2.1.1 Criminal justice

The institutional framework for the protection of rights of children in Croatia consists of numerous institutions at governmental level such as the Ministry of Social Welfare and Youth, the Ministry of the Interior and the Ministry of Justice. A special advisory body has been established in the Ministry of Justice's Commission for monitoring and improving the work of the criminal proceedings and the execution of juvenile sanctions.

The relevant stakeholders involved in criminal proceedings with the participation of children are as it follows:

- the Ombudsman for Children established exclusively for the protection, monitoring and promotion of the rights and interests of children;
- specialised police officers within the Ministry of the Interior, trained in dealing with child victims and offenders;
- Youth Courts in criminal proceedings involving children;
- youth judges who are specialised judges working in Youth Courts;
- a specialised State Attorney for Youth within the State Attorney's Office;
- lawyers specialising in children's proceedings, appointed by youth judges when needed from the list of the Croatian Chamber of Attorneys (usually as defence lawyers);
- social workers who have an extensive role in criminal proceedings involving children;
- specialised clinics and hospitals for children; and
- numerous specialised NGOs, non-legal expert assistants (at Youth Courts and the State Attorney's Office), volunteers, etc.

The participation of the child in court proceedings in cases when the child is the perpetrator of the criminal offence is specifically stipulated within the framework of the Juvenile Courts Act. According to Article 35 of the Act on Youth Courts (hereinafter: JCA), youth courts have jurisdiction for criminal cases involving

minors. Furthermore, in Article 36 of the JCA it is mentioned that the jurisdiction of the juvenile courts terminate when the perpetrator of the criminal offence reaches the age of twenty three years. A minor has a defence counsel from the first examination to the final completion of the criminal proceeding (Article 54, paragraph 1 of the JCA). Criminal legislation shall not be applied to a child who, at the time of the commission of the criminal offence, has not turned fourteen years of age. The mentioned Article specifies who is considered as a young person: a child who has turned fourteen (so called minor) and a person who has turned eighteen, but is younger than twenty one (so called adult). This Act regulates the provisions on juvenile perpetrators of criminal offences (minors and young adults) in substantive criminal law, the provisions on courts, on the criminal procedure and the enforcement of sanctions, and the regulations on the legal criminal protection of children.

In municipal courts at the seat of the county court and in county courts, departments for youths were formed and they consist of a council for youth and judges for youth. At the Supreme Court of the Republic of Croatia, a council for youth was also formed.

Judges for youth in municipal and county courts are appointed for a period of five years, from the ranks of such courts, by the president of the Supreme Court of the Republic of Croatia.

Public prosecutors for youth are appointed for a five year term from the ranks of public prosecutors or deputy public prosecutors in such public prosecutor offices, by the Head Public Prosecutor of the Republic of Croatia.

After five years, a judge or public prosecutor or deputy public prosecutor may be re-appointed as a youth judge or public prosecutor for youths.

Judges of the youth council within the Supreme Court of the Republic of Croatia have been appointed further to an annual work plan by the president of the Supreme Court of the Republic of Croatia, and the deputy public prosecutor acting before such council have been appointed further to an annual work plan by the Head Public Prosecutor of the Republic of Croatia.

Judges jurors for youth take part in trials in councils for youth. They have been appointed from the ranks of professors, teachers, caregivers and other persons having working experience in the professional and educational work with young people.

In departments for youth, within county courts, there is an investigative judge for youth who is appointed by the president of the county court further to an annual work plan.

The council for youth of a municipal court adjudicates in a council consisting of one youth judge and two judges jurors for youth.

The council for youth of a municipal court adjudicates outside a session of the council and outside a hearing in a council consisting of three judges, where at least one is a judge for youth. The council for youth of a county court adjudicates in the first instance in a council consisting of one judge for youth and two judges jurors for youth, in the second instance in a council consisting of three judges, where at least one is a judge for youth. The council for youth of a county court adjudicates outside a session of the council consisting of three judges, where at least one is a youth judge. The council for youth of the Supreme Court of the RoC adjudicates in the second instance in a council consisting of three judges. When issuing a third-instance decision and adjudicating on extraordinary legal remedies, the council of the Supreme Court of the Republic of Croatia has been made up according to the general regulations.

Judges jurors who are members of the youth council may not be of the same gender. A youth judge of the municipal and of the county court carries out actions in the preliminary procedure and he/she is the president of the council for youth and he/she performs other activities in the procedure towards minors.

The court where a minor has permanent residence shall have territorial jurisdiction for the procedure against a minor, and if the minor does not have permanent residence or if it is not known - the court where the minor has temporary residence. The procedure may be carried out before a court of the temporary residence of the

minor having permanent residence or before a court of the place where the criminal offence was committed if it is obvious that it would be easier to conduct the procedure before such court.

The Ministry of Justice is, in general, the competent authority for adopting, improving and enforcing the relevant legislation. The Ministry is involved in implementing relevant projects as well as promoting this approach at the national level.

2.1.1.1 Social services

Centres for social care are institutions with public competencies which also play a significant role in the protection of children in criminal proceedings. According to the Social Welfare Acts, centres for social care provide important services related to children involved in criminal proceedings, provide psychological support and evaluation of the child and of the case/crime/offence, and provide temporary shelters and care in the earliest stages of the proceedings.

The main purpose of the work of social workers is to promptly protect and support child victims, evaluate the situation, provide their expertise and implement any measures required to eliminate any additional harm or secondary victimisation of the child.

Social services that could be provided for children are as follows:

1. primary social services (informing, identifying and preliminary assessment);
 2. counselling and assistance;
 3. assistance and house care;
 4. expert family assistance;
 5. early intervention;
- assisting the integration of the child into correctional and educational programmes;
7. accommodation; and
 8. expert assistance in professional training and employment.

With respect to the criminal justice system and procedures, the role of the social service is significant. Since prompt and efficient support to child victims or witnesses is their crucial responsibility, social workers and social experts are invested with numerous competencies and obligations. They are included in all phases of criminal proceedings involving children, starting from the earliest interviews of children (within the investigation phase) through to later phases of the criminal procedure in the youth court (such as support and preparation for testimony, preparation for court hearings).

The state attorney for youth and the youth judge notify the competent county centre for social care of the facts and circumstances that contributed and led to the commission of the crime with a view to taking the measures to protect the rights and welfare of children. In addition, the competent authorities must request a county centre for social care to initiate 'non-contentious' proceedings against a parent abusing or seriously violating his/her parental responsibilities, duties and rights, with a view to terminating his/her right to parental care or taking away his/her right to be with the child where such abuse or violation is established during the criminal proceedings.

2.1.1.2 The Ombudsman for Children

The Ombudsman for Children is an independent authority responsible solely to the Parliament which has been established with the exclusive objective of protection, monitoring and promotion of rights and interests of children. The Ombudsman for Children was set up by the Law on Ombudsman for Children adopted on 18 June 2003 with the following relevant competencies:

- Monitoring the status of harmonisation and implementation of Croatian national laws in accordance with international agreements and conventions to which Croatia is a signatory party and are related to children;
- Monitoring particular infringements of rights or interests of children;
- Adopting recommendations and warnings addressed to other public authorities dealing with children who are obliged to cooperate with the Ombudsman and, upon its request, are obliged to deliver requested data or answers; in case of non-cooperation, the Ombudsman is entitled to notify the respective authority responsible for the supervision of the public authority or may notify the Government directly;

- Has unlimited access to any data, information or files regarding any procedure involving children, regardless of the status of confidentiality of those data and unlimited access to inspect premises providing shelters or any type of accommodation for children authorised by special legislation to provide those services, including the premises of religious communities;
- Whenever the Ombudsman identifies any kind of infringement or danger to any right or interest of a child, especially with respect to criminal offences, the Ombudsman should immediately inform the State Attorney's Office and the competent centres for social care and propose measures to protect the child;
- Can request assistance from any expert body in order to decide on particular child cases. Those bodies are obliged to provide their expertise e.g. with respect to a request for an expert evaluation of a child psychologist and/or assistance in questioning the child victim.

Pursuant to the provisions of the Family Act, the centres for special guardianship have been established in the Republic of Croatia as public institutions, which, in the exercise of public authority, represent children, through special guardians, in proceedings before courts and other bodies.

Competencies amongst the main stakeholders and competent authorities are clearly divided and there do not appear to be significant overlaps or gaps in the system, in this respect.

2.1.2 Civil justice

The Ministry of Social Policy and Youth (responsible inter alia for determining the scope of social services to be provided for children), the Ministry of Health (e.g. in charge of the protection of children's health and safety), the Ministry of Labour and Pension System (e.g. responsible for the protection of employed children) and the Ministry of Justice (e.g. in charge of developing the rules applicable to judicial procedure and supervising the functioning of the Croatian judiciary) hold the overall responsibility, at governmental level, for the protection of the rights of children.

2.1.2.1 The Ombudsman for children

In addition to the governmental level organisations, there are specialised competent authorities such as the Ombudsman for Children, which is an independent authority responsible solely to the Croatian Parliament. It was established by the Law on Ombudsman for Children adopted on 18 June 2003 with the objectives of protecting and monitoring the rights and interests of children. The remit of the Ombudsman covers inter alia the monitoring of the status of harmonisation of Croatian legislation with international agreements and conventions to which Croatia is party. The Ombudsman is entitled to adopt recommendations and address warnings to other public authorities dealing with children. In its role of safeguarding the rights of children, the Ombudsman has unlimited access to any data, information or files regarding any procedure involving children. In cases where the Ombudsman finds that the rights of children have been breached or are endangered, the Ombudsman should immediately inform the State Attorney's Office and the competent social centres and propose measures for the protection of children.

2.1.2.2 Social services

The Centres for social care are public bodies operating with the aims of protecting and supporting children. In their role, they evaluate the child's situation, provide expertise to the child and implement any measures required for the elimination of harm or secondary victimisation. In order to protect children, the Social welfare services may impose family law protection measures (e.g. written or oral warnings to parents, supervision of provision of parental care, referrals to counselling), provide trainings for foster parents and adoptive parents, and other facilities for children (e.g. correctional facilities, disciplinary centres) etc.

The Centres play a role in the protection of children in judicial proceedings. In accordance with the Family Act, the Centres may initiate lawsuits e.g. in divorce and parental responsibility cases. In parental responsibility cases the centres may initiate a 'non-contentious' proceeding against a parent abusing or seriously violating his/her parental responsibilities, duties and rights, for example with a view to terminating his/her right to parental care. In court proceedings initiated by the Centre, the Centre has the legal status of a party. This is especially relevant in child protection cases where social workers or the centres for social care are entitled to initiate relevant court procedures and ask the courts to put in place interim and precautionary measures.

According to the Social Welfare Act, the Centres for social care provide psychological support to children involved in civil judicial proceedings and evaluate the situation of children in their family and their

relationship with their parents. This duty plays a particularly important role in custody and visitation cases. The Centres may also be involved in court proceedings as interveners, if their involvement is deemed to be necessary for the protection of the rights and interests of children. Courts may also decide to summon a centre to participate as an intervener in the proceedings. In these cases, a deadline is set for the centre to confirm its participation.

The Centre as a party or an intervener is obliged to monitor the case and to make sure that children receive the necessary support throughout the proceeding.

The Centres for social care may interview the child and prepare him/her for the court hearing. They may also propose measures to the court to revoke custody rights and initiate proceedings to remove parental rights.

The Centres may provide mediation services in divorce cases. Mediation in such cases takes place prior to court proceedings.

The Centres provide various services to children also outside court procedures. These services include for example the provision of primary social services, accommodation (including to children with disabilities), assisting the integration of children into correctional and educational programmes, providing protection and treatment to children and young people who have committed criminal offences and misdemeanours, young people and children found unaccompanied, etc.

The Centres for social care may act *ex officio* or upon request of individuals, schools (e.g. in case of behaviour problems at school), the Ministry of Interior (e.g. if the Ministry is aware of domestic violence, child abuse, etc.) and health institutions (e.g. if they treat child drug addicts).

When fulfilling their duties, the Centres may co-operate with NGOs dealing with the protection and treatment of children and with other social welfare institutions, the Office of State Administration, the Ministry of the Interior, the Town Council, etc.

The Centres for social care operate a network of social centres, where the implementation of numerous preventive, educational and counselling programmes and activities take place. Their aims are to raise the quality of the child's family life, improve communication between the family members and the organisation of the family life and to assist the healthy personal development of children. They are established and organised at county level and currently there are 19 centres operating in the country.

The centres for social care, in the exercise of public authority, represent children, through special guardians, in proceedings before courts and other bodies. A special guardian, who operates within the Centre for Special Guardianship, is appointed in the following cases: for the child in the process of contesting maternity or paternity; for the child in marital disputes and other proceedings in which parental care and personal relationships with the child shall be decided; for the child in the imposition of measures for the protection of personal rights and well-being of the child within the jurisdiction of the court; the child in the proceeding of rendering the decision replacing the consent to adoption; for the child when there is a conflict of interest between him/her and his/her legal representatives in property proceedings or disputes or in the conclusion of certain legal affairs; the children in case of a dispute or conclusion of legal affairs between them when this person exercise parental care over them; the child who is a foreigner or the child without nationality who is found on the territory of the Republic of Croatia without being accompanied by the legal representative and in other cases if it is necessary to protect the rights and interests of the child. It is important to mention that if the child has a representative, s/he shall not be appointed a special guardian.

2.1.2.3 Other institutions

A number of other institutions are also active in the protection of children's rights. These institutions operate in various sectors: Centre for Educational Research and Development, the "Child Protection Centre of Zagreb" or the psychiatric hospital for children and youth in Zagreb, NGOs, shelter for children and adults as victims of domestic crimes, Society for Psychological Assistance).

2.1.2.4 Courts

Civil law cases in Croatia have been conducted by the courts of the Republic of Croatia. There are no special courts adjudicating cases involving children. Proceedings in which the court decides about the care of a child

have been maintained within civil proceedings, according to the relevant provisions of the Civil Procedure Act (hereinafter: CPA), except in urgent cases where parents do not provide appropriate care for a child (for example a child left home alone). Here the centre for social care will intervene and put in place relevant interim and precautionary measures using an administrative procedure.

Unless stated otherwise in the CPA, municipal courts are competent at first instance for adjudicating in the following cases:

- Maintenance (financial support to the member of the family);
- The existence or non-existence of marriage, annulment of marriage and divorce;
- Establishing or disputing paternity or maternity;
- Child custody and parental care;
- Lawsuits that concern personal rights;
- Trespassing;
- Leasing, renting and housing relations;

Correction of information published in media and responsibility for damages arising from the publication of information.

Labour law disputes instituted by an employee against a decision to terminate an employment contract, etc. Exceptionally, other courts may adjudicate (e.g. a commercial court) if especially stated in the CPA.

Decisions of first instance courts can be appealed before county courts. County courts are almost exclusively second instance courts. As an exception under the general rule, county courts adjudicate at first instance in cases where the subject matter of the dispute is of a high financial value. It is important to note that a right to appeal is a constitutional right of every citizen and a right of every legal entity (for instance corporation) according to the practice of the Constitutional Court.

The highest court in Croatia is the Supreme Court, which hears appeals against decisions of county courts. In its role, the Supreme Court may void, confirm or revise the decisions of lower instance courts. The Supreme Court also decides as a last instance court on extraordinary legal remedies against final court decisions of courts of general jurisdiction (dismissed appeal), and all other courts in Croatia.

2.1.3 Administrative justice

Administrative procedure in Croatia is primarily regulated by two framework laws: the Law on Administrative Procedure (Official Gazette 47/09), further referred to as LAP, and the Law on Administrative Disputes (Official Gazette 20/10, 143/12, 152/14), further referred to as LAD. The LAP prescribes rules based on which the State authorities proceed and decide on administrative matters. These are matters in which the public administrative authorities decide on the rights, obligations and legal interests of private and legal persons. The LAD, on the other hand, provides procedural rules under which the administrative courts issue decisions on the lawfulness of decisions issued by the public administrative authorities. Neither LAP nor LAD contains any child-specific rules and thus the same rules apply to children and adults alike.

Administrative decisions in Croatia are reviewed exclusively by specialised administrative courts. The LAD introduced a two-instance system for resolution of administrative disputes in Croatia. As of 1 January 2012, there are four regional administrative courts of first instance and the High Administrative Court as the instance of appeals. Administrative courts decide on complaints against individual decisions of public administrative authorities; complaints against a failure to issue a decision within the time limit specified by law; complaints against administrative contracts and the enforcement of administrative contracts. The High Administrative Court, among others, decides on appeals against the judgements of administrative courts. In addition, complaints against individual decisions of public administrative authorities are reviewed by the Constitutional Court if such decisions violate human rights and fundamental freedoms guaranteed by the Croatian Constitution.

Access to courts in administrative judicial proceedings is subject to a precondition that all available regular administrative remedies are exhausted. Usually, it is the supervisory administrative institution that reviews decisions of subordinate institutions. If a person has not filed such an appeal or has filed it after the deadline, an administrative judicial proceeding will not be initiated. Only in cases stipulated by the law may persons appeal directly before the administrative courts.

2.1.3.1 Asylum and migration

The field of asylum and migration, in general, is regulated by the Law on Asylum and the Law on Foreigners. Decisions in this field are reviewed by administrative courts in administrative judicial proceedings according to the LAD. Decisions in the field of education are issued according to the Act on Preschool Raising and Education and the Act on Elementary and High School Raising and Education. Judicial review of decisions adopted in this field is dealt with by an administrative court under an administrative judicial proceeding according to the LAD.

2.1.3.2 Health

Decisions in the field of health are issued according to the Health Protection Act, which is the framework law governing this area. In line with the Act on the Protection of the Rights of the Patient every patient, including a child, has the right to appeal health related administrative decisions. Children in the field of health care are also protected under the EACH Charter on Rights of Children in Hospitals. Not all decisions of health institutions can be reviewed. The Health Protection Act clarifies which decisions are acceptable of being appealed. Where appeals are allowed, such decisions are reviewed in administrative judicial proceedings by administrative courts as set by the LAD. However, if the patient's right has been violated or his/her health endangered, it is more likely that the case will be dealt with under criminal, e.g. in cases of malpractice, or civil judicial proceedings, e.g. for compensation of damage, rather than an administrative judicial proceeding. Treatment of mental health patients and the procedure of their detention is set out in the Act on Protection of Persons with Mental Health Problems, applicable both to adults and children. In all such cases, the necessity of placement or detention of a child in a mental care institution is decided by a civil court under a civil judicial proceeding.

2.1.3.3 Care and protection

Decisions concerning children in need of care and protection are issued according to the Family Act. Decisions concerning placement of children into care are decided by administrative decisions of the social services, i.e. the Centres for Social Care in Croatia. These decisions are reviewed by an administrative court under an administrative judicial proceeding according to the LAD. However, also the civil courts have certain competence to impose measures for the protection of a child, such as placing a child into care. These cases usually involve matters of parental responsibility.

2.1.3.4 Social services

Children who have committed offences not having reached the minimum age of criminal responsibility (MACR), which is 14 years old in Croatia, cannot be held liable for the offences. However, if there are reasonable grounds for believing that the child has an inclination towards exhibiting anti-social or criminal behaviour, the Police informs the child's parents or guardian and the social services, i.e. the competent Centre for Social Care. The social services proceed according to the Family Act or the Social Welfare Act and investigate the child's personal and family circumstances and if social services determine anything suspicious related to an offence, to a child who committed an offence or to persons responsible for a child who committed an offence, they need to report it to the police or state attorney for further investigation. In cases where the offence was committed by a child due to the negligence of his/her parents, guardian or other person responsible for the child, these persons are held liable for the offence according to the Act on Offences and must stand trial before the Offence Court. In case of criminal offences, the applicable rules are the ones provided for in the Youth Courts Act and the proceedings will be held at the Youth Court, as elaborated in more detail in the criminal report.

When social services identify that the circumstances of committing a minor offence or a crime merit social protection of the child, the Social Welfare Centre undertakes necessary actions as provided for in the Family Act or Social Welfare Act. The decision taken by the social services can, as a rule, be appealed before the higher administrative authority, and in turn the decision of the higher administrative authority (and exceptionally, when the appeal is not permitted, the decision of the social care centre itself) can be taken to the Administrative Court that will decide through an administrative judicial proceeding.

Croatia does not have a system of administrative sanctions. Cases of anti-social behaviour and road traffic offences, among others, are regulated by special rules as prescribed by the Act on Offences adopted in March 2013, and in force as of as of 1 June 2013. These matters fall under the competency of a specialised court, the Offence Court, where these cases are decided by a single judge. In cases of appeals against the Offence

Court, the High Court of Offences sits in camera with three judges and decides on the appeals of the decisions of the Offence Court. Since matters of anti-social behaviour and road traffic offences are decided by a special court and under special rules, these proceedings are of a special nature and thus cannot be considered as administrative, criminal or civil proceedings.

Finally, in order to assure effective proceedings and interinstitutional cooperation, numerous Protocols have been adopted, such as:

1. Protocol of Procedure in the event of violence among children and youth;
2. Protocol of Procedure in Cases of Domestic Violence;
3. Protocol of Procedure in Cases of Sexual Violence;
4. Protocol for unaccompanied children,
5. Protocol for identification, help and protection of the trafficking victims, and
6. Protocol for abused and neglected children – adopted in November 2014.

2.1.3.5 Competent court and institutions

There are no special courts or institutions in Croatia dealing with children in administrative judicial proceedings. As already stated above, the administrative courts are courts with general competence established to settle administrative disputes.

In addition to the general governmental authorities that hold the overall responsibility for the protection of the rights of children (Ministry of Social Policy and Youth, Ministry of Health, Ministry of Labour and Pension System, Ministry of Justice), there are specialised competent authorities, for example, the Ombudsman for Children. The Ombudsman for Children is an independent authority accountable to the Croatian Parliament. It was established by the Law on Ombudsman for Children adopted on 18 June 2003, with the objective of protecting and monitoring the rights and interests of children.

The Ombudsman, among others, reviews complaints on violations of children's rights. Anyone, including a child, can file a complaint with the Ombudsman. While the Ombudsman cannot initiate legal proceedings on behalf of the child, he/she has the right to investigate a case of alleged violation of the child's rights. In its role of safeguarding the rights of children, the Ombudsman has unlimited access to any data, information or files regarding any procedures involving children. If the complaint is upheld, the Ombudsman proposes measures to ensure the protection of the child's rights. Usually it is done in the form of a warning to the public administrative authority with a request to inform the Ombudsman on the progress of implementation of the measures proposed.

The Centres for Social Care are public authorities operating with the aim of protecting and supporting children. In their role, they evaluate the child's situation, provide expertise to the child and implement any measures required for the elimination of harm or secondary victimisation of the child. In order to protect children, the social welfare services may impose family law protection measures, for example: cautions to parents; supervision of the provision of parental care; referral to counselling; providing training for foster parents and adoptive parents; providing other facilities to children, such as correctional facilities and disciplinary centres.

In child protection cases, the social services play a significant role in accordance with the Family Act. Centres for Social Care have the possibility to influence court decisions. In court proceedings initiated by the social services, they have the legal status of a party. These centres can also participate as the courts' auxiliary authorities or interveners *sui generis*. Therefore, these centres have different opportunities to advocate for the children's best interests. This is especially relevant in a child protection case where the social worker, or the Centre for Social Care, is the first to register the need for the protection of a child. The social services decide on the placement of a child into care when both parents are absent, seriously ill, or for other reasons, unable to provide the child with adequate care. The social services have the right to implement these measures with or without the consent of the parents.

According to the Social Welfare Act, adopted in March 2012, the Centres for Social Care provide psychological support to children involved in judicial proceedings and evaluate the situations of children in their families, and their relationships with their parents. Moreover, the Centres for Social Care may interview the child and prepare him/her for the court hearing – including any type of judicial proceeding of their own initiative, at the request of the child in his/her own right, or ordered by the court.

2.2 Legal and policy measures in place to avoid undue delay in the handling of cases involving children

2.2.1 Criminal justice

All competent authorities involved in potential criminal proceedings involving children need to acturgently to finalise their activities and procedures as soon as possible. According to the Youth Court Act the criminal procedure against a minor, against a young adult and in cases involving the legal criminal protection of children shall be urgent.

Commencement of proceedings and relevant decisions take place without undue delay in criminal proceedings against juveniles, young adults and for crimes committed against children due to relevant law, Juvenile Courts Act (hereinafter: JCA), and Book of rules for court. Namely, court proceedings against juvenile offenders, and pre-trial proceedings such as police and public prosecutors investigations and proceedings are of urgent nature, due to Article 4 of the JCA and Article 122/1 of Rules of procedure of the court. This, in practice, means that when such a case comes to court, it is considered urgent and proceedings commence without undue delay (session of the panel, or trial must be convened within 8 days from receiving public prosecutors proposal on applying correctional measures or punishment, all the deadlines are much shorter than in criminal proceedings against adult offenders, etc.). Sentences for children can be reduced according to results of applied correctional measures or punishment. Article 18 of the JCA says that it is a duty of a court which has delivered sentence to minors to reassess such measure in every 6 month period, or sooner, if there is an emergency, and to give a conclusion, upon receiving reports from correctional institution, social workers, and after hearing minor, his/her parents, social worker, public prosecutor and other persons, whether implementation of the measure shall continue, measure needs to be changed, or discontinued altogether. Such is a case also with punishment of juvenile imprisonment, where there is a possibility to reassess such a punishment according to its success and apply conditional release after one third of a sentence had passed. Delays in enforcement of sanctions against juveniles are minimised also by duty of the court to commence such proceedings without undue delay after court decision has become final and there are no legal impediments for its execution. Enforcement of juvenile imprisonment and referral to reformatory fall in the scope of court enforcement of sentences, and enforcement of other measures in the scope of Centre of social welfare. Enforcement of correctional measures is regulated in Act of enforcement of sanctions applied to juveniles for criminal acts and misdemeanors and it regulates urgency in proceedings.

The punishment of juvenile prison may not be enforced on expiration of the following:

- five years of the legal effectiveness of the decision issuing the punishment of juvenile prison in the duration over five years,
- three years of the legal effectiveness of the decision issuing the punishment of juvenile prison in the duration over three years,
- two years of the legal effectiveness of the decision issuing the punishment of juvenile prison in the duration up to three years.
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In the preliminary procedure, the investigative prison by placement in an enclosed institutional facility, at a proposal of the public prosecutor, is ordered by the youth judge in a decision and may last at most one month. For justified reasons, the judge for youth may, at a proposal of the public prosecutor, extend investigative prison by at most one more month. If there is a preliminary procedure under way against a minor, the youth judge may, at a proposal of the public prosecutor, extend the measure by at most one more month.

After submission of a proposal for the issuing of a juvenile sanction, the existence of legal conditions for further implementation of the measure of investigative prison by placement in an enclosed institutional facility until the legal effectiveness of the decision, shall be examined every month counting from the date of legal effectiveness of the previous decision.

In cases where the police receive a report of a crime and the crime involves a child suspect, they will send out their special officer trained in the investigation of crimes and offences involving children. When in cases where the state attorney receives a report of a crime and he assesses that it is necessary to initiate criminal proceedings against a child suspect, he will initiate preliminary/ preparatory procedures for crimes punishable by a term of imprisonment of five or years or more. With respect to crimes punishable by imprisonment of less than 5 years, the state attorney will take all circumstances into account and decide whether or not to prosecute. The state attorney will then interview the child suspect and his/her parents (as legal representatives) which will be audio-visually recorded and will collect all data regarding the crime and other

relevant circumstances. At the end of the preliminary procedure, or within eight days, the state attorney must propose sanctions or dismiss criminal proceedings.

The child suspect must have a defence lawyer, from the first interview to the conclusion of the criminal procedure (by a legally effective decision). Even after the conclusion of the criminal proceeding where a court adopts a decision to replace correctional measures with institutional correctional measures or imposes a sanction of imprisonment, a lawyer must be provided. If the child does not engage a defence lawyer, the court must appoint one from those listed from the Croatian Bar Association, specialised/experienced in defending child suspects. Child suspects are summonsed, via their parents or legal representatives, to the Youth Court unless this is not possible due to the urgency of proceedings or other important circumstances. If a child suspect is in prison at the time of the investigation, the suspect will be accompanied unrestrained to the court by police officers, and taken there in an undercover police vehicle (unless circumstances make this impossible). Only, in cases where it is believed that the child suspect committed an extremely violent crime, can he/she be restrained.

The State Attorney's Office must also inform the competent centre for social care within 8 days of when they received any knowledge of the facts and circumstances of the criminal offence. This will enable the representative of that institute to become acquainted with the case and move the proceedings forward or make proposals and warn about facts and evidence important for the adoption of the correct decision. The representative of the centre for social care must also be informed of how the child suspect has been treated. Child suspect can be detained for offences punishable by 5 years and above, but only as a precautionary measure or for the purposes of temporary lodging. In that respect, child suspects may be placed in a centre for social care when it is appropriate with respect to the expected sentence and to prevent the child suspect from repeating the crime.

The police can arrest a child suspect only under special conditions. They are then obliged to bring him/her immediately, or at the latest within 24 hours from the moment of arrest, to a prison supervisor, or to release him/her. The prison supervisor must then immediately inform the state attorney, youth judge, the child suspect's parents or legal representatives and the competent centre for social care.

Upon the request of the state attorney, the police will accompany the child suspect to the youth judge who needs to interview the arrested child suspect within 12 hours from the moment of his/her detention in prison. It is obligatory for the defence lawyer of the child suspect and the state attorney to be present at this interview. Immediately after this interview, the youth judge decides whether to release the suspect or continue detention or imprisonment for the purposes of the investigation.

Both the defence lawyer of the child suspect and the state attorney can appeal against the youth judge's decision within six hours and the youth council must decide on the appeal within eight hours of its submission. The child must be separated from adults in the detention unit. The detention supervisor must immediately release the child if so instructed by the state attorney or in the case that the child is not interviewed within the time limit referred to above.

The youth judge may also temporarily place the child suspect in a centre for social care for enhanced supervision, in order to protect him/her from a further threat to his/her development, especially when it is the case of preventing the suspect from repeating the crime.

2.2.2 Civil justice

The procedures in which the personal rights of the child shall be decided are urgent. The first hearing shall be held within fifteen days from the day of the initiation of the procedure, unless the Family Act provided otherwise. If the decision in the procedure is rendered without a hearing, it shall be rendered and dispatched within fifteen days from the day of the initiation of the procedure, unless the Family Act provided otherwise. The decision in the procedures on provisional measures and enforcement, to exercise parental care and personal relationship with the child, as well as to hand over the child, shall be rendered and dispatched within thirty days from the day of initiation of the procedure. It is allowed to miss a deadline only for important reasons. The judge shall inform the president of the court on missing a deadline. The second-instance court shall render and dispatch the decision within thirty days from the day of receipt of the appeal.

2.2.3 Administrative justice

The Law on Administrative Disputes (hereinafter: the LAD) does not contain any statutory or policy provisions to ensure that relevant decisions and the commencement of proceedings take place without undue delays. The law only sets general principles and requires the courts to act with promptness and efficiency. For this reason, there are no mechanisms to monitor the implementation of the urgency principle.

In general, there are no requirements set by the law for public authorities and the courts to ensure that premises and places where children are involved in proceedings are non-intimidating and child-friendly. Certain services for children involved in judicial proceedings are provided by the Centres for Social Care, such as assistance and preparation for proceedings, assessment of their age and maturity. It is not required that these services are provided in non-intimidating and child-friendly premises.

There are no specific rules for precautionary and interim measures regarding children involved in judicial administrative proceedings. The LAD only specifies that the court *ex officio*, or on the proposal of a party, may decide on precautionary measures. For an example, a judge may impose temporary measure of placing a child into care during this proceeding. The child may not appeal against such decisions in his/her own right. It must be done through the child's legal representative. In cases of conflict between children and their parents, children are appointed special guardians.

In order to ensure that children cope with judicial proceedings, the Centres for Social Care are responsible for providing children with psychological, practical and other support. Social workers interview and communicate with children and their legal representatives in order to assess their family situations and the circumstances of the cases investigated before the courts. In addition, they provide children and their representatives with basic information on judicial proceedings – but only general information since they are not legal professionals. They also assist in seeking help from other professionals and help to find relevant information on legal matters. Access to such services is either *ex officio* provided by social workers or is initiated by the courts. Upon the court's request, a social worker may interview a child as a witness or be present during such an interview in the court room. Whenever the social services find it necessary, they can accompany the child throughout the judicial proceeding in order to safeguard the child's rights and interests. It should be noted that a child may also access such services in his/her own right.

2. 3 Child-specific support mechanisms and procedures and ways of ensuring the voice of the child is heard

In accordance with the Criminal Procedure Act, an alleged child victim has the right to be heard, to testify and to participate in criminal proceedings. They have the right to inform appropriate authorities on relevant facts and propose evidence with respect to the crime and the criminal proceedings, as well as to exercise their right to legal remedies. In this respect they have the right to ask questions to suspects, witnesses and to expert witnesses during court sessions and submit their comments and explanations regarding their testimony.

Where the child is a victim or is declared incapable of performing legal acts, his/her legal guardian must be authorised to give all statements and perform all actions to which, according to the Criminal Procedure Act, the victim is entitled, such as the right to access case files. Children who are aged 16 years or more can undertake those activities and exercise the abovementioned rights personally. A child aged 16 years or more may, in his/her own right, submit a request for prosecution to the police or State Attorney's Office. A child under the age of 16 or aged 16 and over but declared incapable of performing legal acts can do this only through his/her legal representative.

In accordance with the Family Act, the child has the right to express his/her opinion in all the proceedings regarding his/her rights and interests. The child's opinion is taken into account in accordance with his/her age and maturity. The child has the right to a special guardian in all the proceedings regarding the determination of his/her rights and interests and to be informed on all the important circumstances of the case and possible consequences in an appropriate way.

The implementing regulation (Ordinance on the Method of Obtaining the Child's Opinion) specifically prescribes the giving of children's opinion in proceedings before the court. In proceedings regarding the determination of the personal and property rights and interests of the child, the court shall allow the child to express his/ her opinion, unless the child objects to it. The court is obliged to allow children who are fourteen years old to express their opinion independently, exceptionally, if the court determines that, with regard to the circumstances of the case, the presence of an expert person is required.

The court shall allow the child younger than fourteen to express his/her opinion through a special guardian or other expert person. When obtaining the opinion of a child younger than fourteen, the court is obliged to inform the special guardian or expert person in which matters it is necessary to determine the opinion of the child.

In order to avoid the possible impact of adults, the child always expresses his/her opinion without the presence of a parent or guardian, or other person who takes care of the child.

The opinion of the child shall be obtained in a suitable area outside the courtroom, equipped and adapted to work with the child, in which it is necessary to ensure privacy, child safety and undisturbed work. The place of obtaining the opinion of the child can be a special area of the court, special area of the social welfare centre, centre for special guardianship and other area determined by the court. Obtaining the opinion of the child may be provided in the parents' home, with the consent of the parents and in the home of foster parents or individuals with whom the child is placed, or in the area of legal persons in which the child is placed, if it is evaluated that it is in the interest of the child.

The expression of the child's opinion can be ensured by video link, if there are technical possibilities (in the RoC technical conditions for conducting interrogations of the child's opinion by video link are ensured).

The opinion of a child younger than fourteen is determined by an expert person or a special guardian if s/he has expert knowledge and skills necessary for the communication with the child and determination of the child's opinion. The expert person or special guardian shall conduct the determination of the child's opinion in a way that ensures full protection of the child. Exceptionally, more expert persons of different vocations may be included for the determination of the child's opinion, if it is considered necessary in view of the developmental, health and other difficulties or specificities of the child.

Determining the child's opinion includes the preparation of the child, assessment of the ability and maturity of the child and the child's expression of opinions where the expression of the child's opinion takes the form of a conversation, not a one-sided examination, in a stimulating and encouraging environment in which the child feels safe and respected and his/her opinion will be seriously heard and taken into account.

The expert person shall enable the child who is unable to express his/her opinion orally to express an opinion through non-verbal forms of communication including play, body language, facial expression and projective techniques as well as other forms of expression of opinion. If the expert person or special guardian determines the child's opinion without the presence of an expert person, s/he shall inform the court on the determined child's opinion in the form and within the deadline set by the court.

When the expert person or special guardian determine that the child does not understand the procedure and s/he is not able to express her/his opinion and that the expression of the child's opinion represents a threat for the development, education and health of the child, the determination of the opinion shall be suspended and the court shall be informed.

2.3.1 Specific measures for vulnerable children

There are no special measures in place to provide protection and assistance, in the context of judicial proceedings, to more vulnerable children, such as the very young, migrant children, refugee and asylum seeking children, unaccompanied children, children with disabilities, homeless and street children, Roma children, and children in the care of the State – including residential institutions. All children in Croatia enjoy full protection against any form of discrimination, infringement or threat of infringement of any of their rights.

In respect of migrant children, refugee and asylum seeking children, besides having their rights protected by the Constitution and the UN Convention on the Rights of the Child (UNCRC), their rights are protected in more detail by the Law on Asylum.

The Protocol on the treatment of children separated from parents - foreign nationals, regulates the procedure in case of founding a child (foreign national) separated from his/her parents. According to the mentioned Protocol, when a police officer finds an unaccompanied child, s/he shall immediately inform a competent professional worker of the social welfare center, who shall promptly respond and attend to the police

treatment. If the unaccompanied child necessitate of accommodation, the priority is to determine the most appropriate form of protection of the child, which shall be assessed by the competent social worker from the social welfare center, who may include other experts in the assessment. Unaccompanied child can be placed in homes for the education of children and youth or other social welfare institutions, a shelter for asylum seekers, a reception center for foreigners of the Ministry of the Interior and other appropriate alternative accommodation.

The most important measures of conduct in relation to the above mentioned cases are as follows:

- collection of the necessary information about the unaccompanied child;
- ensuring translators;
- appointment of a special guardian;
- actions aimed at establishing the identity;
- informing the competent diplomatic mission or consular office;
- contacts and cooperation with the parents or relevant departments of social welfare in the country of origin of the child;
- provision of accommodation to the unaccompanied child after compulsory (initial) medical examination;
- safe and quick return or provision of health care, access to education and other activities in order to integrate him/her;

If the unaccompanied person declares that s/he is an unaccompanied child, and there is serious suspicion that his/her statement is true, a procedure of examination of the age can be carried out in accordance with the Aliens Act.

A special guardian is appointed to every child found unaccompanied by parents. The special guardian shall establish a contact with the child, inform him/her of all the circumstances and facts in a manner appropriate to the age, maturity and understanding of the child (especially on the rights, services and available possibilities) and ensures him/her the right to express opinions and desires. The special guardian helps the child to establish contacts with civil society organizations that conduct activities aimed at supporting foreigners and represent the child in administrative and judicial proceedings. The special guardian is available to the child and ask advice from the child before taking measures for his/her protection, s/he takes care that all decisions are made in the best interest of the child, works on a more permanent solution in the interest of the child advising him/her in relation to the exercise of specific rights.

Health care for minors – foreign nationals is provided in accordance with the regulations on health care for foreign nationals. A foreign national who is not resident in the Republic of Croatia and is not under subsidiary protection or a foreigner with the established status of a victim of human trafficking, asylum seeker or a member of his/her family, exceptionally, within the social welfare system, may be entitled to a one-time compensation and temporary housing if required by the circumstances of life in which the person has found himself/herself.

When a police officer finds a minor illegal migrant, s/he shall promptly inform the competent social welfare center. The on-duty employee of the center comes to the police station where the minor is located and s/he shall be present, together with a translator, at the information interview. During the interview, the police officer attempts to determine the identity of the minor (if s/he does not have an identity document), where his/her parents are, the way of arrival in the country, the country of destination, the persons with whom the minor has travelled, the relationship with these persons and all the other circumstances related to the trip. The police officer will decide whether to issue a decision prohibiting the entry and residence. Persons under the age of 14 are not subject to misdemeanor liability. Upon the completion of the information interview, the minor is accompanied by a social worker to a home that is under the competence of the Ministry of Social Policy and Youth. If a person is under the age of 14, s/he is placed in a children's home, while persons over the age of 14 are placed in a home for the education of children and youth. The special guardian and the persons employed in the home where the minor is located shall undertake further care of the minor.

In accordance with the International and Temporary Protection Act (Official Gazette 70/15), the persons who have been granted international protection, including unaccompanied children, have the right to stay in the Republic of Croatia, a family reunion, housing, work, health care, education, freedom of religion, free legal aid, social care, assistance with integration into society, ownership of a immovable property in accordance with the Convention from 1951 and the acquisition of Croatian citizenship in accordance with the regulations governing the acquisition of citizenship. An unaccompanied child who has been granted international

protection shall be appointed a special guardian until his/her full age, and shall be placed to the appropriate provider of the social service of accommodation in accordance with the Social Welfare Act. Depending on their age and previous education they shall be admitted in the appropriate educational institution.

The special guardian and the integration officer of the Ministry of the Interior shall help the unaccompanied child to exercise his/her rights. Generally, the persons granted international protection, are supported by various organizations in the integration (Croatian Red Cross, Jesuit Refugee Service, UNHCR, Centre for Peace Studies, etc.).

The decision on expulsion and return of minors is rendered by the police administration and police station. The principle of "best interests of the child" shall be taken into account during the return of the minor. Furthermore, during the return of nationals of third countries in general, it should always be taken into account the principle of "family reunion".

According to the Social Welfare Act, children with developmental difficulties are entitled to allowance for assistance and care, personal disability allowance, compensation of transportation costs for schooling, psychosocial support, early intervention service, day service (full day or half day), accommodation services and organized housing service. Parents shall be granted the status of parents caretaker or caretaker under certain conditions. Furthermore, children with developmental difficulties are provided with assistance in the inclusion into programmes of upbringing and regular education (integration) intended to educators and teachers in pre-schools and schools in order to include children with developmental difficulties or young adults with disabilities into the programmes of regular preschooling and schooling institutions. A child with severe or very severe disabilities as well as a child with serious health damage has the right to an increased allowance that is ensured till the disability or serious health damage exists. Birth incentive is compensation to the beneficiary of the child allowance for the third and fourth child.

2.3.2 Criminal justice

Youth judges and public prosecutors for youth have a pronounced inclination for the upbringing, needs and welfare of young people and handle the basic knowledge in the area of criminology, social pedagogy, youth psychology and social work for young people.

Courts and public prosecutor offices which act before them have expert assistants, social pedagogues, social workers and psychologists.

Expert assistants provide their expert opinion at sessions of the council or at hearings concerning the type of sanction which should be issued, collect data on the successfulness of the enforcement of a correctional measure, issue opinions to the youth council concerning the need to discontinue or replace a correctional measure and perform other actions according to the instructions of the youth judge. There exists a prescribed obligation for social services to give a comprehensive report on juvenile's life, family, school, medical, prior criminal or unlawful behavior or background. Also juvenile divisions of courts have in their employment expert assistants (advisers) who are social pedagogues, social workers and who give aid do juvenile court judges in comprehensive understanding of the child through interview with juvenile, parents, social workers, gaining school and other records about the juvenile. Expert assistants in the public prosecutor office collect data and issue expert opinions necessary to adopt decisions from within the competence of the public prosecutor.

Youth courts and public prosecutor offices shall report to the county social welfare institute where facts and circumstances are established in the criminal procedure which indicate the need to take measures to protect the rights and welfare of the minor.

In the procedure towards a minor, a representative of the county social welfare institute is entitled to become acquainted with the progress of the procedure, and in the course of the procedure to place proposals and warn about facts and evidence important for the adoption of a correct decision.

The public prosecutor shall notify the competent county social welfare institute of the treatment of the minor.

According to the Youth Courts Act no one is excused from giving evidence pertaining the life, circumstances of mental development of juvenile, his/her personality. Criminal proceedings towards juveniles are not

public in order to ensure protection of personal and family life of juveniles, and it is prescribed as a duty for all competent persons involved in these proceedings to act in the best interest of the juvenile.

Common assessment framework has not been established formally, but there are personal contacts between expert assistants (advisers) who are employed in juvenile courts with all services involved in criminal proceedings towards juveniles. There is established an obligation for courts, social services and institutions to create an individual programme of treatment of juvenile during the duration of a sentence/measure, each of these institution is obliged to keep track of progress in execution of sentences/measures, and each service is obliged to create a programme for post-penal reception of juvenile in his/her family and social environment.

Each institution involved in criminal proceedings towards juveniles is obliged to ensure confidentiality of procedures. Court proceedings toward juveniles are not public, i.e. proceedings are closed to public, press releases and news are written without juveniles name and other personal details. Proceedings related to enforcement of sentences are confidential, as well as police procedures, procedures led by social services and public prosecutors. Revealing of proceedings secrecy constitutes a criminal offense.

There are several protocols that regulate proceedings in matters of peer violence, sexual offences, domestic violence for police, medical services, social services, public prosecutor and courts and those bodies follow them in such cases. There are follow up studies that research adhering to these protocols (see the answer under 2.1.3.).

2.3.2.1 Assessment/Evaluation of the child's maturity

According to the relevant provisions of the Youth Court Act a minor is a person who at the time of committing an offence was over fourteen years of age, and under eighteen years of age, and a young adult is a person who at the time of committing an offence was over eighteen, but under twenty-one years of age. A young minor is a person who was over fourteen years of age, and under sixteen years of age at the time of committing a criminal offence. A senior minor is a person who was over sixteen years of age, and under eighteen years of age at the time of committing a criminal offence.

Criminal legislation shall not be applied to a child who, at the time of the commission of the criminal offence, has not turned fourteen years of age. The Youth Court Act stipulates who is considered as a young person: a child who has turned fourteen (so called minor) and a person who has turned eighteen, but is younger than twenty one (so called adult).

Where in a procedure it is established that a person was under fourteen years of age at the time of committing a criminal offence, the criminal charges shall be dropped or the procedure discontinued and the data on the offence and the perpetrator shall be submitted to the county social welfare institute.

A judge for youth shall decide about the expertise by psychiatric examination of the minor, physical examination and the taking of physical samples from the minor for evidentiary purposes further to an argued proposal of the public prosecutor.

In the procedure against a minor, along with the facts relating to the criminal offence, data necessary for an assessment of his mental and physical development and data concerning his personal and family circumstances shall be collected.

With a view to establishing such circumstances, the minor's parent, guardian and other persons that can provide the required data shall also be interviewed. A report shall be requested concerning such circumstances from the county social welfare institute, and if a correctional measure was applied against the minor, a report on the implementation of the measure shall be obtained.

Data shall be obtained by the public prosecutor who may entrust the collection of such data to an expert assistant and the county social welfare institute.

If necessary with a view to evaluating the minor's health, mental and physical development or characteristics, an opinion of the doctor, psychologist or pedagogue shall be requested. An opinion may also be requested from a health, social or other institution.

While interviewing minors and taking other actions during which the minor is present, care shall be taken that, in view of the mental development and personal characteristics of the minor, the conducting of the criminal procedure should not be at the detriment of the development of his personality.

No person may be released from the duty to testify concerning circumstances necessary to make an assessment of the mental development of the minor, and to become acquainted with his personality and circumstances in which he/she lives.

In accordance with the Criminal Procedure Act, an alleged child victim has the right to be heard, to testify and to participate in criminal proceedings. They have the right to inform appropriate authorities on relevant facts and propose evidence with respect to the crime and the criminal proceedings as well as to exercise their right to legal remedies. In this respect they have the right to ask questions to suspects, witnesses and to expert witnesses during court sessions and submit their comments and explanations regarding their testimony.

Where the child is a victim or is declared incapable of performing legal acts, his/her legal guardian must be authorised to give all statements and perform all actions to which, according to the Criminal Procedure Act, the victim is entitled, such as the right to access case files. Children who are aged 16 years or more can undertake those activities and exercise the abovementioned rights personally. A child aged 16 years or more may in his/her own right submit a request for prosecution to the police or State Attorney's Office. A child under the age of 16 or aged 16 and over but declared incapable of performing legal acts can do this only through his/her legal representative.

2.3.2.2 Protection from discrimination

In Croatia, there are several mechanisms in place to protect a child from discrimination on the ground of their age and capacity to act. Children who experience discrimination may contact the stakeholders (i.e. the Centre for social care and the Children's Ombudsman), for protection and advice. According to the Croatian Constitution everyone has the duty to protect children and persons in socially or economically vulnerable positions.

In addition, children in Croatia are protected under all provisions of the UN Convention on the Rights of the Child (hereinafter: the UNCRC), since Croatia is a party to the Convention. According to the Croatian legal order, by its legal force, this Convention is above Croatian laws. Therefore, relevant provisions from the UNCRC are applicable directly by the public administrative authorities and on the courts. Furthermore, protection against discrimination is ensured by the Law on Suppression of Discrimination. It regulates protection from discrimination on the basis of race, ethnic origin, colour, gender, language, religion, political or other opinions, national or social origin, property, education, social status, marital or family status, age, health condition, disability, genetic heritage, sexual identity, expression and sexual orientation. In Croatia, there are several mechanisms in place to protect a child from discrimination based on his/her age and capacity to act. Children who experience discrimination may contact institutions that are responsible for the protection of children's rights – for instance, the Centres for Social Care. However, the institution primarily responsible for cases involving discrimination of children is the Children's Ombudsman. Anyone, including a child may report or seek help in his/her own right in a case in which his/her right is violated. Children, as other citizens of Republic of Croatia, have constitutional right not to be discriminated against in any way. Children – juvenile offenders have many safeguards to ensure their position in criminal proceedings. From right to court appointed attorney from first interview by public prosecutor until the end of proceedings, every other right that an adult offender has according to Constitution of Republic of Croatia, Criminal procedure act and European convention on human rights.

The Law on Suppression of Discrimination provides a special procedure that can be initiated on account of discrimination dealt under a civil proceeding before a municipal court of the first instance. Children can initiate court proceedings through their legal representatives. They cannot act or be parties to court procedures in their own right.

There are no special measures in place to provide protection and assistance, in the context of judicial proceedings, to more vulnerable children, such as very young, migrant children, refugee and asylum seeking children, unaccompanied children, children with disabilities, homeless and street children, Roma children, and children in the care of the State – including residential institutions. All children in Croatia enjoy full protection against any form of discrimination, infringement or threat of infringement of any of their rights.

In respect of migrant children, refugee and asylum seeking children, besides having their rights protected by the Constitution and the UN Convention on the Rights of the Child (UNCRC), their rights are protected in more detail by the Law on Asylum.

Everyone who feels discriminated has a right to a civil lawsuit against Republic of Croatia for remuneration because of damage caused by discriminatory behaviour or acting (if such discrimination was done in criminal proceedings by court or government authorities). Also, there are remedies for possible acts of discrimination – complaint to the higher public prosecutor about work of prosecutor in lower hierarchy, complaint to the investigating judge about public prosecutors not wanting to collect some evidence in favor of defendant, complaint to the president of the court, Ministry of Justice regarding work of courts, grounds for exemption/exclusion of public prosecutor or judge. There is also a complaint to the Ombudsman for children who is authorised to submit reports and suggestions to the relevant authorities. It is important to note that the Children's Ombudsman cannot initiate a legal proceeding on behalf of the child who claims to be discriminated against. However, the Ombudsman can investigate discrimination cases and propose measures to ensure protection from discrimination, usually in the form of a warning to the public administrative authority with a request to inform the Ombudsman on the progress of implementation of the proposed measures. Finally, child, victim of violent crime, has a right to a free, court appointed attorney at law who represents his/her interests in criminal proceedings.

2.3.3 Administrative justice

According to the provisions of the Family Act, a child who is 14 years old has the right to independently participate in all the proceedings before the competent bodies that decide on his/her personal and property rights and interests, present facts, propose evidence, file legal remedies and undertake other actions in the proceedings, by the decision of the body before which the procedure is conducted.

A child who is 14 years old has the right to independently initiate proceedings before the competent bodies to protect his/her personal and property rights and interests.

A child who is 14 years old has the right to oppose to the giving of independent opinion and oppose to the execution for the pursuing of personal relations between parents and child.

A child who is 14 years old gives his/her consent to the conduct of the proceeding for the acknowledgment of paternity, consent to partial or total exercise of parental rights of the person who takes care of the child and the consent to adoption, while the child who is 10 years old gives his/her consent to the change of name and change of nationality, in the process of establishing the adoption.

A child who is 14 years old may independently decide on the selection or change of religion.

Pursuant to the provisions of the Family Act, the centres for special guardianship have been established in the Republic of Croatia as public institutions, which, in the exercise of public authority, represent children, through special guardians, in proceedings before courts and other bodies. In accordance with Article 240 of the Family Act, it is prescribed that, in order to protect the personal and property rights and interests of the child, the social welfare centre or court shall appoint a special guardian: the child in the process of contesting maternity or paternity; the child in marital disputes and other proceedings in which parental care and personal relationships with the child shall be decided; the child in the imposition of measures for the protection of personal rights and well-being of the child within the jurisdiction of the court; the child in the proceeding of rendering the decision replacing the consent to adoption; the child when there is a conflict of interest between him/her and his/her legal representatives in property proceedings or disputes or in the conclusion of certain legal affairs; the children in case of a dispute or conclusion of legal affairs between them when this person exercise parental care over them; the child who is a foreigner or the child without nationality who is found on the territory of the Republic of Croatia without being accompanied by the legal representative and in other cases if it is necessary to protect the rights and interests of the child. It is important to mention that if the child has a representative, s/he shall not be appointed a special guardian.

The introduction of the institute of special guardians, within the independent public institutions, prevents potential conflicts of interest on the side of social welfare centres and it ensures the highest possible level of protection of children.

In addition to the above mentioned forms of protection and representation of the child in court proceedings in accordance with the provisions of the Family Act, the participation of the child in court proceedings in cases when the child is the perpetrator of the criminal offence is specifically stipulated within the framework of the Juvenile Courts Act. According to Article 35 of the Juvenile Courts Act (hereinafter: JCA), juvenile courts judge in criminal cases of minors. Furthermore, in Article 36 of the JCA it is mentioned that the jurisdiction of the juvenile courts terminate when the perpetrator of the criminal offence reaches the age of twenty three years. A minor shall have a defence counsel from the first examination to the final completion of the criminal proceeding (Article 54, paragraph 1 of the JCA).

There is no guidance available for court authorities, law enforcement agents or defence counsels to ensure that children are informed of the availability of support services, such as health, social, legal advice, interpretation and translation, and of other organisations that can provide support measures and how to effectively access them. There are no official services that provide advice to children on their rights in judicial administrative proceedings or to any support services. However, child-friendly materials about children's rights in judicial proceedings are available on the websites of the Ministry of Social Policy and Youth and the Children's Ombudsman. Another specialised website for children is AZANAS – providing child-friendly information on children's rights in different situations such as in school or with family matters. The website also contains information about health and safety, psychology and counselling. These materials are written for all children irrespective of age.

The Law on Administrative Disputes (hereinafter: the LAD) provides that any party involved in the administrative judicial proceeding, including a child, has the right to be heard, i.e. can be interviewed, provide evidence, give testimony, and intervene in the proceeding.

Regarding access to interpretation and translation services, the LAD ensures that such services are available to support adults and children to exercise their rights to be heard in their own language. Thus all parties to administrative judicial proceedings have the rights to use their own language before the court. These services, however, are not provided free of charge. In a case concerning a child, the court may exempt the child from the obligation to pay legal costs, including costs for interpretation and translation services, after considering all the circumstances of the case and the financial situation of the party in question.

3. Multidisciplinary aspects

3.1 Coordination of activities by relevant organisations

Competencies of the main stakeholders are clearly separated. Cooperation amongst them is in certain cases prescribed by the Family Act, which stipulates that, regarding its implementation, legal and natural persons providing professional assistance (e.g. in settling family disputes), are mutually obliged to cooperate.

For certain legal proceedings, there are special by-laws (regulations) which prescribe the method of conduct and cooperation between bodies and persons in those bodies involved in the procedure, or standardized procedure that ensures a unique and uniform conduct. The actions in the procedure shall be undertaken promptly and it is necessary to coordinate all the bodies involved in the procedure. The experts in the procedure (people with adequate professional qualifications and professional knowledge and skills necessary for the communication with a child), shall apply professional procedures that will help the child in the procedure. Several experts of different professions can participate in the procedure, if it is deemed necessary with regard to development, health and other difficulties or specific qualities of the child.

Pursuant to the provisions of the Family Act, in the Republic of Croatia there have been established centers for special guardianship as public institutions, which, in the exercise of public authority, represent children in the proceedings before the courts and other bodies through special guardians. According to Article 240 of the Family Act, it is prescribed that, in order to protect specific personal and property rights and interests of the child, the social welfare center or the court shall appoint a special guardian: to the child in the procedure of contesting maternity or paternity, child in marital disputes and other proceedings in which it shall be decided on parental care and personal relationships with the child, child in the procedure of imposition of measures for the protection of personal rights and well-being of the child from the jurisdiction of the court, child in the procedure of rendering the decision to replace the consent to adoption, child when there is a conflict of interest between him/her and his/her legal representatives in property procedures or disputes or when concluding certain legal affairs, children in the event of a dispute or when concluding certain legal affairs between them when the same person exercises parental care on them, child – foreign citizen or without

citizenship who is not accompanied by a legal representative and is found on the territory of the Republic of Croatia and in other cases if it is necessary to protect the rights and interests of the child. It is important to mention that if a child has an authorized person, a special guardian will not be appointed. By the introduction of the institute of special guardian as part of an independent public institution potential conflicts of interests on the side of social welfare centers are prevented and it ensures the highest possible level of protection of children.

The bodies involved in the implementation of the procedure shall establish cooperation according to the following principles: confidentiality and protection of personal data - which obliges the authorities to protect the personal data of all participants in the procedure; self-assessment - which obliges the authorities to, each within its scope, assess the risks and advise the court on undertaking appropriate measures in accordance with the principle of priority protection of the well-being and rights of the child; accountability and efficiency – according to which the bodies undertake responsibility for the implementation of actions in the procedure, undertaking appropriate measures in accordance with their powers.

Youth councils consist of youth jurors coming from different professions specialised in dealing with children, such as professors, teachers or pedagogues. In addition, Youth Courts closely cooperate with other relevant experts called expert assistants such as social pedagogues, social workers and psychologists. They are involved in gathering relevant data and providing their expert opinion to the court on, for example, the capability of the child to testify, the type of sanctions that should be imposed, or on the ending or changing of a sanction. Expert assistants are also employed at the State Attorney's Office providing similar expert services.

In matters in which decisions are rendered on the personal rights and interests of the child, the court shall, upon the request of the child, allow, by a decision, a child who has turned fourteen to state facts, suggest evidence, file legal remedies and undertake other actions in the procedure if s/he is able to understand the meaning and legal consequences of these actions. Before rendering the decision the court shall request the opinion and proposal of the social welfare center. A special appeal is not allowed against the decision that recognizes the child the procedural ability to undertake certain actions in the procedure. The child's legal representative is authorized to continue to undertake actions in the proceeding along with the child. In case the actions of the child and those of the legal representative of the child are in contrast, the court shall, taking into account all the circumstances, particularly the well-being of the child, evaluate whether to consider the action of the child or that of the legal representative of the child.

4. Training of professionals

4.1 Training requirements for professionals who are in contact with the child during the proceedings

The Judicial Academy (hereinafter: PA,) in its independent functioning since 2010, has implemented continuous professional training of judges, state attorneys and advisors in judicial bodies on the topic of dealing with children and minors in court proceedings. The workshops were conducted on the elaboration of the subject of certain institutes of the Juvenile Courts Act such as investigative prisons, corrective measures, etc., dealing with children and minors in court proceedings as victims, suspects, witnesses and as third parties in civil and criminal cases, the novelties of the Family Act, domestic violence in misdemeanor and criminal proceedings. The workshops also focus on the importance of an interdisciplinary approach and guidelines to improve the communication with children in legal situations with appropriate exercises and practices. Thus, at the workshop "Criminal-legal protection of children victims and witnesses" the participants were acquainted with the preparations of the child for the court, with the ideal and actual circumstances for examining the child as well as the ways of communicating with a sexually abused child; while at the workshop "Strengthening capacities in the field of combating sexual exploitation and sexual abuse of children and providing assistance to vulnerable crime victims" the participants were acquainted with the procedure of conducting an investigative interview with the child.

Workshops of lifelong professional training of judicial officials, organized by the PA included the following topics: criminal-legal protection of children victims and witnesses; the application of the Juvenile Courts Act; children's rights in practice with an emphasis on the study of interdisciplinary access to justice adjusted for children in the European law; domestic violence - new/old criminal offenses and alternative sanction; misdemeanor of domestic violence in the context of the recommendations of the UN Committee for the prevention of torture and alternative sanctions in misdemeanor proceedings; amendments to the Family Act "strengthening capacities in the field of combating sexual exploitation and sexual abuse of children and

providing assistance to vulnerable victims of crime”; deciding on meetings and company between the children and their parents or with grandparents and on the obligation of grandparents to maintain the grandchildren; juvenile justice; out-of-court settlement in the pre-criminal proceeding against a minor and young adult perpetrator; child as the subject in the proceeding for rendering a decision on which parent the child shall live with, and the decision on meeting and company with the other parent; criminal investigative procedure, a new procedure before the juvenile court; protection from violence; an alternative proceeding in the juvenile trial; protection of rights and interests of children when rendering decisions on the separation from the family. Furthermore, three workshops "Examination of children in court, criminal offenses against sexual freedom" were held at the State School for Judicial Officials within the initial professional training of candidates for judicial officials.

Thus, based on the analyzed needs, it is ensured continuous implementation of training of state attorneys for juveniles, juvenile judges, family-status judges, expert associates of non-legal profession at courts and state attorney's offices and employees of social welfare centers. According to Article 39 of the Judicial Academy Act (Official Gazette 153/09, 127/10, 82/15), the Judicial Academy shall organize continuous training for judicial officials, and the judicial officials have the right and obligation to develop professionally in order to improve the professional abilities and skills for a professional and effective performance of judicial duties. Thus, the judicial officials should take care of their own professional development but the Judicial Academy cannot oblige them to participate at specific workshops. The invitations are sent to the heads of the bodies, who decide who will participate at specific workshops. The Ministry of Social Policy and Youth, based on the determined needs, shall adopt the annual program of professional training of professional workers in social welfare institutions. The mentioned annual program is implemented through compulsory one-time and continuous lectures, workshops and postgraduate specialist studies and, among other things, it includes the following topics: mediation of parental and other disputes on children - educational supervision, crisis intervention in the work with children, the drafting and implementation of the plan of training for the heads of measures of intensive supervision and training for the heads of psychological crisis intervention. Also, the training of professionals within the social welfare system is implemented through a variety of campaigns to raise public awareness and in the context of projects financed from national sources or from European funds.

The Ministry of Social Policy and Youth has been financing the programs of organizations dealing with the problem of violence against children and young people including cyberbullying and cybercrime.

4.2. Vetting of professionals

According to the existing legal regulation, and provided by the Act on the Legal Consequences of Conviction, Criminal Records and Rehabilitation it is envisaged the possibility to check whether someone is in the so-called register for all employers. Specific regulations contain the obligation of checking (e.g. Act on Education in Primary and Secondary Schools, Act on Preschool Education; Act on Volunteering, Foster Care Act, etc.).

In the proceedings of protecting the rights and interests of children, as well as in the proceedings of delegating certain tasks and assignments in working with children, based on a reasoned request, courts, public authorities and institutions can via a special certificate receive information from criminal records on final convictions handed down against persons who are perpetrators of:

- criminal offences of sexual abuse and sexual exploitation of children;
- criminal offences committed in relation to a victim who is particularly vulnerable due to his/her age (Serious Criminal Offences against Sexual Freedom, Trafficking in Human Beings, Lewd Acts, Sexual Harassment, Change in Family Status, Violation of the Privacy of a Child, Production and Circulating of Products Harmful to Human Health, Enabling the Use of Illicit Drugs, Serious Criminal Offences against the Health of People, criminal offences against the environment).

In exceptional cases, which involve future employment or delegating activities whose performance includes regular contacts with children, the employer may, with the consent of the person for whom the information is required, request a special certificate defined by the Criminal Code.

For example, a person convicted of any of the criminal offenses against life and body, against freedom and human and civil rights, against the Republic of Croatia, against the values protected by international law, against sexual freedom and sexual morality, against marriage, family and youth, against property, against the security of legal transactions and operations, against justice, against the authenticity of documents, against

public order and against official duty, which is prescribed by the Criminal Code, cannot be employed in schools (Official Gazette 110/97 27/98 - correction 50/00 - Decision of the Constitutional Court of the Republic of Croatia 129/00, 51/01, 111/03, 190/03 - Decision of the Constitutional Court of the Republic of Croatia 105/04, 84/05 - correction 71/06, 110/07, 152/08 and 57/11). We emphasize that the adoption of this Act has adjusted the domestic criminal legislation with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and with the regulations of the European Union on keeping criminal records and the exchange of such information between the Member States of the European Union (ECRIS). The harmonization with the mentioned Convention has been carried out in a way that criminal record contains a list of perpetrators of crimes of sexual abuse and exploitation of children, for the purpose to prevent or impede such persons to contact with children in terms of employment or undertaking jobs the performance of which involves regular contact with children. The basic intention of the legislator was to create an effective legal framework for preventive actions in terms of prevention of the possibilities that the perpetrators of crimes of sexual exploitation and abuse of children come into contact with children and possibly commit again such crimes, and in this sense the extension of the group of authorized persons who have the right to check candidates at the invitation for tenders for performing a job which includes regular contact with children. If a specific legislation does not envisage all occupations in which they can come into direct contact with children, the legislator has left an extended provision that all candidates who will work in direct contact with children can be checked by issuing special certificates according to Article 14, paragraph 2 of the Act. The mentioned provision prescribes that, when it relates to employment or delegating the activities whose performance involve regular contact with children, the employer may request the issuance of a special certificate on data about convictions for specific criminal offenses listed in Article 13, paragraph 4 of the Act, with consent of the person for whom the data from criminal records are requested. Requesting the consent of the person to obtain a special certificate for this specific purpose should act preventively, and it will exclude running for occupations in which there are regular contacts with children. The Ministry of Justice has sent an instruction to employers, through the relevant ministries, to request, when hiring a person who will have regular contact with children, from the Ministry of Justice, in accordance with the law, the data on conviction of the candidate for the criminal offences as referred to in Article 13, paragraph 4 of the Act.

4.3. Cooperation with other Member States on training

At the beginning of 2014, the Judicial Academy in cooperation with the Office for Technical Assistance and Information Exchange of the European Commission (TAIEX) and the Academy of European Law (ERA) organized the seminar "The fight against cybercrime and child pornography on the Internet" in Zagreb. In November 2015, a two-day international seminar was held with 10 participants from other Member States on the subject of "Child-friendly justice". The seminar was organized within the framework of the project financed under the Program "Fundamental Rights", and the competent authority was the Academy of European Law (ERA). The Judicial Academy had the status of co-beneficiary in this project.

5. Best interests of the child

5.1. Measures in place to ensure that the child's best interests are a primary or paramount consideration

Protecting the best interests of the child is one of the guiding principles of all Croatian legislation and policy. This principle is enshrined in the Constitution, which provides legal protection to family life and the healthy development of all people, including of children. The principle is reflected for example in provisions stating that parents bear responsibility for the upbringing, welfare and education of their children and are responsible for ensuring the right of their children to a full and harmonious personal development. According to relevant laws the state must devote special care to orphans and minors neglected by their parents and everyone has a duty to protect children and the right to inform the relevant authorities about potential harm caused to children. Young people, mothers and disabled persons are entitled to receive special protection at work. Everyone should have access to education under equal conditions. Compulsory education is free, in conformity with law.

The best interest of the child is the principle that the Republic of Croatia has incorporated in the legislation and the amendments of the existing laws or adoption of new ones are always guided by this principle. Furthermore, the competent bodies are guided by the mentioned principle when rendering decisions relating to children. The principle of the best interest of the child indicates that when rendering all decisions or

executing a procedure affecting the child or children as a group, the well-being of the child shall be the most important. This refers to the decisions rendered by the government, administrative or legislative bodies, as well as the decisions rendered by the family. In the definition of the family law "the interest of the child is indeterminate, but it is a determinable legal concept", which means "the request to recognize a specific need of the child and the best possible way to fulfill it." This principle should always take precedence over other interests, and it represents the direction in which any action related to children should follow. Since there is no universal definition, an expert person working with children tend to identify the best interest of the child, who is in a vulnerable situation, and over and over again, based on the specific situation and context in which the child lives, s/he determines what is actually, for the individual child, the best interest . The Ordinance on the measures to protect the personal rights and welfare of the child prescribes the conditions of professional qualification of workers, training of workers for implementing the measures of intensive professional assistance and supervision over the exercise of childcare, method of implementation of measures for the protection of personal rights and welfare of the child, criteria for professional evaluation and implementation of measures for the protection of personal rights and welfare of the child, method of implementation of measures for the protection of personal rights and welfare of the child, as well as the amount and method of payment of fees for the implementation of measures of technical assistance and support to families in exercising the childcare and intensive technical assistance and supervision over the exercise of the childcare. In the process of evaluating the endangered rights and welfare of the child, the expert team of the center shall be guided by the following criteria:

- the degree of threat and security of the child's life and health;
- child development risks (low, moderate, high risk);
- the development needs of the child: health, education, emotional development and behavior, identity, family and social relations, skills of taking care for themselves;
- circumstances for parents: the ability and willingness of parents to change behavior and willingness to cooperate;
- parental skills of basic care, ensuring safety, emotional warmth, encouragement, guidance, setting limits, stability, educational procedures;
- circumstances for the child such as the ability and maturity of the child, cognitive, emotional, social and behavioral functioning;
- the results of continuous monitoring and assessment of needs and possibilities of changing;
- the results of the previously implemented measures.

The risk assessment of the rights and welfare of the child is carried out on the basis of the collected social-anamnesis data and established facts, and estimates derived by the instruments *List for assessing the development risks of the child* and *List for assessing the safety of the child*, which are an integral part of this Ordinance.

5.1.1 Risk assessment

The assessment of the development risk is a process in which a social worker/psychologist/social pedagogue determines the degree of probability of current and future threat to the child's development in a family environment. The risk assessment begins during the first contact, when data on the family are being collected, and it continues throughout the entire period of work with families. The list is used in order to organize the collected data and to allow clear assessment of low, moderate or high probability of adverse development of the child in the existing circumstances. The list includes the risks relating to family circumstances, current behavior and psychological state of the parents, some important aspects of the history of the parents and characteristics of the child and his/her behavior. The assessment of the safety of the child shall precede the assessment of the development risk to which the child is exposed in cases of suspected physical abuse, sexual abuse and neglecting the basic necessities of life.

For each of the mentioned threats to the life of the child or his/her physical safety, it is necessary to assess whether the currently available information on the family environment refer to the existence of the described threats. The assessment cannot be concluded if there is no data for a particular threat to security. In order to enable the quantifiability of exercise of children's rights and to facilitate the collection and comparison of statistical data at the national and international level, the indicators of child welfare or "markers" have been elaborated, on the basis of which it is estimated the situation and needs of children in the Republic of Croatia.

5.1.2 Review of decisions and assessment of the child's best interest

Finally, the Constitution guarantees to everyone, including children, the right to have reviewed, any administrative decisions issued on behalf of State administration or other public administrative authorities. Beside the provisions stated in the Constitution, Croatian legislation does not contain reference to the bodies or persons responsible for the determination of the child's best interests. Reference to the child's involvement in determining his/her best interests is not contained in applicable legislation either. It is not a requirement under Croatian law to assess the best interests of children separately in cases where more than one child is involved in the proceedings. There are no checklists or protocols in place to determine the child's best interests.

It is noted, however, that since Croatia is a party to the UN Convention on the Rights of the Child (UNCRC), all conditions set out in the convention for determining the best interests of child are applicable in Croatia.

In practice, the assessment of the best interests of the child is considered as a judgement of specialists involved in the procedures for child protection and can propose to the court a measure of protection for the child. The assessment of the best interests of the child is considered a professional assessment. Therefore, it is based on the principles and methods of work of professional experts (social workers, psychologists and others). After the assessment procedure a decision is taken in the best interests of the child by a team that includes: a social worker, a psychologist, a lawyer, and if necessary, other experts (e.g. special education teacher, educator).

Pursuant to the provisions of the Family Act, the centres for special guardianship have been established in the Republic of Croatia as public institutions, which, in the exercise of public authority, represent children, through special guardians, in proceedings before courts and other bodies. Within the Family Act, it has been prescribed that, in order to protect the personal and property rights and interests of the child, the social welfare centre or court shall appoint a special guardian in the following situations: the child is in the process of contesting maternity or paternity, the child is in marital disputes and other proceedings in which parental care and personal relationships with the child shall be decided, the child in the imposition of measures for the protection of personal rights and well-being of the child within the jurisdiction of the court, the child is in the proceeding of rendering the decision replacing the consent to adoption, when there is a conflict of interest between child's legal representatives in property proceedings or disputes or in the conclusion of certain legal affairs, the children in case of a dispute or conclusion of legal affairs between them when this person exercise parental care over them, the child who is a foreigner or the child without nationality who is found on the territory of the Republic of Croatia without being accompanied by the legal representative and in other cases if it is necessary to protect the rights and interests of the child. It is important to mention that if the child has a representative, s/he shall not be appointed a special guardian.

The introduction of the institute of special guardians, within the independent public institutions, prevents potential conflicts of interest on the side of social welfare centres and it ensures the highest possible level of protection of children.

Taking into account the principles and provisions of the Social Welfare Act, every person has the right to information on the rights and services within the social welfare system and the right to support in overcoming communication difficulties; the mentioned support will contribute to the fulfilment of the individual needs and improvement of the quality of life in the community. The first social service includes informing the beneficiary on social services and service providers, beneficiary's assistance in determining their needs, an initial evaluation of the possibilities for the beneficiary and support and assistance in choosing the right within the social welfare system.

The beneficiary of the rights in the social welfare system has the right to participate in the evaluation of the situation, needs and decision-making process on the use of services and timely get the information and support for rendering the decision. Furthermore, the beneficiary of the rights in the social welfare system cannot be provided with social services without his/her consent or the consent of his/her guardian or legal representatives, except in cases prescribed by law.

According to the provisions of the Family Act, in proceedings in which the child's rights and interests are being decided, the child has the right to be informed on the important circumstances of the case in an appropriate way, to get advice and to express his/her opinion and to be informed on the possible

consequences of taking into consideration his/her opinion. The child's opinion is taken into account in accordance with his/her age and maturity.

6. Monitoring and enforcement of decisions in proceedings involving children

6.1 Criminal justice

There are no specific regulations or legally prescribed actions for the treatment of child victims after judicial proceedings. It is therefore left to the child's parents or legal representatives to seek out post-trial assistance. On the other hand, numerous regulations are in place with respect to convicted child offenders especially in the execution of their sentence. For example, Croatia adopted the Act on the Execution of Sanctions Imposed on Juveniles Convicted of Crimes and Offences.

The purpose of the above mentioned Act is to regulate the following:

- conditions for the execution of sanctions imposed on child offenders and young adults in the criminal procedure in particular correctional measures, 'juvenile' prison and security measures; and
- conditions for the execution of sanctions imposed on child offenders in the offence procedure in particular correctional measures, 'juvenile' prison and protective measures.

Unless prescribed by this specific legislation, the following legislation will apply: Youth Courts Act, Social Welfare Act, Execution of Prison Sanctions Act, Law on Probation, Law on Protection of Challenged Persons etc.

The basic principles established in the execution of sanctions against child offenders are:

- protection of dignity;
- protection of personal and material rights and interests;
- personal execution programmes and preparation treatments for release from prison.

As such, a child, moral upbringing and wellbeing must be safeguarded. Furthermore, any discrimination of the child offender based on his/her race, ethnic origin, colour, gender, religious, political or other convictions, nationality or social status, membership, education, family or marital status, age, health condition, disability, genetics or sexual orientations, is forbidden. Any kind of torture, abuse, humiliation or submission to medical or scientific tests, is strictly forbidden, as well as excessive measures for the purpose of maintaining order, that might cause the child to suffer, or inappropriate limitations of a child's human rights.

Representatives of the competent centre for social care play a significant role in ensuring the proper treatment of child offenders. In particular they are responsible for the monitoring of measures within their competence and for reporting to the Youth Courts or offence courts. Furthermore, social workers assist in drafting execution programmes within their competences, individually designed for each child offender and taking into account all relevant circumstances of the crime, the child's personal characteristics and interests and sanction imposed. The centre for social care is also responsible for summoning and instructing the child on the execution of any correctional measure. The centre for social care brings together the child correctional institution and provides all necessary input and support in order to begin the correctional measure as soon as possible.

The centre for social care also assists in drafting special family aid programmes aimed at providing effective support to the family of the child offender. These contain proposed measures and activities that the family should carry out. In addition, social workers perform regular check-ups on family members and assess the progress and efficiency of the proposed family aid programme.

Finally, the centre for social care assists child offenders with their reintegration into normal life such as returning home, to family, school or to work. They assess whether conditions in the child's family are favourable for his/her return and they supervise and monitor the reintegration process for up to 6 months after the completion of any measure.

Where the centre for social care determines that it would not be in the best interests of the child to return to his/her family, they are responsible for finding alternative accommodation for the child until he can act independently (for example through temporary social welfare shelters, foster homes or other institutions accredited with providing a home and safety for children). As already stated above, children are treated

within two groups; 'younger juveniles' aged from 14-16 (younger children/ child offenders in this study), who can only be punished by correctional measures and security measures. Older juveniles (older children/child offenders in this study), aged from 16-18 that can be punished with correctional measures, security measures and juvenile imprisonment.

6.1.1 Correctional measures and facilities

Correctional measures have the purpose of providing protection, care, help and supervision and, by providing general and specific education to convicted children. They should have a positive impact on offenders' education, development, and personality in order to strengthen them and enable him/her to refrain from committing new offences.

The types of correctional measures are:

- court reprimand;
- special obligations such as: apologising to the injured party, compensation or remedy of the damage inflicted by the criminal offence to the extent possible for the child, regular schooling, training and work qualification, accepting a job and persisting in it, supervised usage of child offender's income, involvement in the work of humanitarian organisations or activities of municipal or ecological significance, refraining from visiting certain places, events or company with certain individuals, submission to medical treatments such as detoxification from drugs or other addictions, counselling or psychosocial treatments, professional training courses, heightened care and supervision with day-stay in correctional facility when he/she does not need to be excluded from his/her home and daily surroundings, assignment to correctional facility, assignment to correctional institution, assignment to special correctional institution and assignment to disciplinary centres when the convicted child needs to be temporarily excluded from his/her home and daily surroundings. In addition to correctional measures and 'juvenile prison', security measures can be sentenced in accordance with the provisions of the Criminal Code. As a security measure, older children may be prohibited from driving any motor vehicle. In addition, as a security measure, an obligatory psychiatric treatment or treatment of an addiction can be sentenced. A child cannot be sentenced to a security measure that prohibits the performance of some duties or activities, or orders the child to leave his/ her home. Older children may be sentenced to 'juvenile prison' in a facility specialised in 'juvenile detention' or exceptionally, in a specialised department for 'juvenile detention', under special conditions prescribed by the Youth Courts Act.

Another special right that is applicable to older children is in the case, when he/she is sentenced for a crime that is punishable with long-term imprisonment or several crimes combined for which the punishment would be imprisonment over 10 years. In both these cases, the Youth Courts Act restricts the imprisonment of older children to a maximum of 10 years. The purpose of correctional measures is to make an impact, by providing protection, care, assistance and supervision and by ensuring general and professional education, on the upbringing, personal development and the strengthening of personal responsibility of a child offender, so that he/she might refrain from repeating a criminal offence.

The purpose of juvenile prison is to make an impact, by taking correctional, educational and professional training measures with respect to a child offender, on further personal development and the strengthening of personal responsibility, so that the child offender might refrain from repeating a criminal offence and that he/she might influence others to refrain from committing criminal offences.

In selecting the correctional measure, the court must take into account the child's age, his/her mental and physical development and characteristics, the seriousness and nature of the crime committed, the motives and circumstances under which he/she committed the act, his/her behaviour after the act was committed and in particular whether he/she, if he/she could, tried to prevent the harmful consequences or tried to remedy the damages, his/her relationship towards the injured party and the victim, his/her personal and family circumstances, whether he/she had committed criminal offences before and whether he/she was subject to juvenile sanctions. Adults may be subject to the issuing of the correctional measure of special obligations, the correctional measure of heightened supervision and the punishment of juvenile prison for a criminal offence committed as a child, where the perpetrator at the time of the trial was under twenty-one years of age.

At the time of deciding which sanctions to issue, the court should take into account all circumstances existing at the time the offence was committed, especially the seriousness and nature of the offence, the time

expired from the time it was committed, the conduct of the perpetrator, family circumstances, the way in which the perpetrator adapted to regular life and the purpose which should be achieved through such sanctions.

The correctional measures issued may last until the perpetrator turns 23 years of age. By way of derogation from the above mentioned measures, the court may issue the punishment of imprisonment, in place of juvenile prison, against an adult who at the time of the trial was over 21 years of age. If at the time of the trial the person was over 23 years of age, the court shall issue the punishment of imprisonment or a conditional sentence instead of juvenile prison. At the time of issuing the punishment of imprisonment, the court shall determine the punishment of imprisonment within the limits set out in Article 25 of the Youth Courts Act, and for the concurrence of criminal offences also under Article 26, paragraph 1 of the same Act. The punishment of imprisonment will have the same legal effect as the punishment of juvenile prison in terms of rehabilitation and the legal consequences of conviction.

Detention of children is aimed at having a positive impact on the child offender's education, development, and personality and to reduce their likelihood of reoffending. It is also used to discourage others from committing crimes.

In the event that a child offender, through his/her own fault, fails to complete a correctional measure or hinders the enforcement of a heightened supervision measure, the court may assign him/her to a disciplinary centre, specialised in the education and upbringing of children, for an uninterrupted stay of a maximum duration of one month. The child offender will either have to attend for a certain number of hours on certain days but may return home in the evenings, or the child may have to stay at weekends or for a certain number of days, including in the evening. Where the child does not attend or absconds, the centre must notify the parents/legal representatives of the child, the youth judge, the state attorney, the centre for social care and the police.

The court may assign a child offender to a correctional facility, where exclusion from the environment in which the child lives is necessary and where the assistance, care and supervision of carers and other experts is required to ensure a more long-lasting influence on the child's personality, behaviour, development and upbringing, in particular through education and work training.

Centres for social care are authorised to provide correctional facilities and may do so in collaboration with other institutions specialising in children with behavioural problems. The child offender must be assigned to stay there for at least six months, with a maximum duration of two years. The court assesses every six months, whether there are grounds for ending the assignment or replacing it with another correctional measure.

The court may also assign a child offender to a correctional institute, especially when it is determined that the child has certain behavioural problems and is not ready to accept other correctional measures aimed at influencing his/her behaviour. These institutes are operated by the centres for social care and are specially established for this purpose. Assignment is for a minimum duration of six months and a maximum duration of three years. The court assesses every six months whether there are grounds for ending the assignment or replacing it with another correctional measure.

Finally, a child may be assigned to a special correctional facility where the child offender has mental and physical impairments. This is usually issued in place of compulsory psychiatric treatment if it is possible to ensure treatment of the child in the special facility and thus achieve the purpose of the security measure. The assignment may be imposed for as long as necessary for the purposes of the treatment, protection or training, but cannot exceed three years. As with the above measures, the court assesses the measure every six months. Conditions of detention in correctional facilities or institutes are in some ways comparable to conditions of detention in prison and are specifically regulated by the Law on the Execution of Sanctions Imposed on Juveniles Convicted of Crimes and Offences as well as provisions in the Youth Courts Act and the Law on the Execution of Prison Sentences.

Security, order and discipline within these facilities and institutions are provided by justice department officials specially trained in the treatment of child offenders. Child offenders are submitted to correctional measures within systematic programmes. They are separated into groups, each designed with a special

correctional and/or educational programme and objective. Security measures are less strict than prison facilities though discipline and order are consistently enforced. Any forms of punishment (e.g. isolation), torture or abuse are strictly forbidden. Where officers are attacked by the chHd or where others are in danger, only defensive skills and techniques should be used, though a baton may be used. Police assistance may be requested and all competent authorities, including the youth judge and the child's parents/legal representatives, must be informed of the incident and the need to assess the measures already imposed on the child.

6.1.2 Juvenile prison

Imprisonment in a juvenile prison may also be imposed as a last measure and subject to specific conditions with regard to the use of such a measure, its duration, purpose and content. Only older child offenders (aged from 16-18) may be sentenced to juvenile prison and only for a criminal offence punishable by a term of imprisonment of three years or more, where due to the nature and seriousness of the offence and 'high level of guilt' (for example where there has been extreme persistence in committing the crime or the action has been particularly inhumane), a correctional measure cannot be justified.

A sentence to juvenile prison cannot be for a term of less than six months or more than five years and is issued in full years and months. If the punishment of long-term imprisonment is stipulated for a particular criminal offence, or in the case of accumulation of at least two criminal offences for which the punishment of imprisonment is over 10 years, juvenile prison cannot last longer than 10 years.

Children may not be sentenced to imprisonment for longer than the period prescribed for adults, but the court is not bound by the minimum prescribed measure of such a punishment. When deciding on the duration of the juvenile imprisonment, the court must take into account all circumstances including the level of maturity of the child, the time necessary for his/her upbringing, education and professional training etc. Furthermore, any deprivation of freedom already executed in relation to a criminal offence, must be taken into account in the term of imprisonment.

Child detention takes place in a specialised 'juvenile prison' or, exceptionally, in a children's department within an adult prison. A child prisoner can only be accommodated with another child. In exceptional cases, the child may be accommodated with younger adults (aged 18-21) but never more than three prisoners may share the cell. All the provisions of the Law on the Execution of the Prison Sentence are applicable, if not specifically regulated by the Law on the Execution of Sanctions Imposed on Juveniles for Crimes and Offences or AYC.

Prison rules determine the child's schedule and daily activities. They are entitled by the law to at least four visits per month by their family for a duration of at least two hours per visit, including on holidays. Upon special approval of the prison warden, the child may be visited by other persons at least twice per month, for a duration of at least one hour per visit.

The facility must also provide the possibility for the child to go outside every day for at least three hours. The use of special safety and security measures is also restricted with respect to child prisoners. Isolation is forbidden and the special measure separating one prisoner from other is allowed for a maximum duration of seven days. The use of firearms is also forbidden, unless it is necessary to prevent or stop a direct life-threatening attack by a child against another person.

6.2 Civil justice

6.2.1 Enforcement of court decisions – determining of coercive and protective measures

There are no legal requirements or provisions in place for informing a child about the decision of the civil court and the enforcement of such decision. This implies that the general rules set out in the Civil Procedure Act and Family Act apply, in accordance with which the child can receive such information in his/her own right only in cases where he/she has full procedural capacity. Children who lack procedural capacity to act are represented by their legal representatives. This implies that a child receives information about court decisions and the enforceability thereof via his/her legal representative. The manner of communicating information to children is not specified in legislation, thus it depends on the legal representative to decide on the way he/she presents the information to the child.

Certain protective measures can be put in place during the enforcement phase of the procedure to protect children from unnecessary harm. These measures are put in place by courts after conducting a non-contentious proceeding. Protective measures are: restraining order of non-contact or limited contact with the parent, grandparent, brother or sister of a child (or half-brother or half-sister). The motion for putting in place protective measures can be filed to the court by social service workers, the parent (legal representative of a child) or child him/herself.

Under Croatian law, in cases where the obliged party does not fulfil his/her obligations voluntarily, coercive measures could be put in place. Seizure constitutes the most commonly used coercive measure, the applicable rules to which are set out in the Enforcement Act and in the Family Act. The Family Act stipulates that an appeal against a seizure decision may not postpone the execution of seizure or the taking of measures for the purpose of collecting the claims for which the seizure was ordered.

In addition, a court may postpone a seizure only if such postponement does not seriously infringe personal and other important interests of children and other persons of whom the court takes particular care.

Croatian law does not allow for the use of detention as a coercive measure.

Under Croatian law, not all decisions that concern children are directly/immediately enforceable. Immediate enforcement is required when putting in place temporary measures, e.g. temporary maintenance to children. In other cases, the decisions of courts are not immediately enforceable. On the contrary, in practice the enforcement of court decisions tends to be lengthy. This is particularly the case for decisions on the exercise of parental rights over children, since the court must consult the social welfare authorities, which is time-consuming due to the backlog of cases in the social welfare services.

Witnesses are not involved in the enforcement phase of civil judicial proceedings. The same rules apply to children in other roles as to child plaintiffs and defendants.

For the purpose of protecting the child, the visitation rights of a parent who does not live with the child may be limited or excluded. Depending on the circumstances of the case the court may appoint a person who needs to be present during the visitations of the parent. A decision on abolishing visitation rights is issued by the court upon a proposal by a centre for social care, parents or the child.

The court must withdraw, in the form of a non-contentious procedure, the right of a parent to live with the child and to raise him/her if the parent significantly neglects the child's upbringing and raising, or if there is a threat to the appropriate upbringing of the child and must entrust another person, institution or other legal person performing social welfare activities with the upbringing of the child.

A parent is considered to significantly neglect the child's upbringing, raising and education if, for instance, he/she does not sufficiently care for the nutrition, hygiene, clothing, medical help, regular school attendance of the child, or fails to prevent the child from harmful companionship, forbidden night-time absences, vagrancy, begging or theft.

This measure can also be imposed against the parent who has not done anything to protect the child from the harmful actions of the other parent or who has failed to notify a competent social welfare centre in due time about the harmful actions of the other parent.

However, a court may postpone the issuing or execution of these decisions, if the parent against whom the measure has been issued leaves the family for 15 days and regularly visits a counselling centre, a school for parents, or a health care institution to which the parent has been referred.

The court may issue a restraining order within a non-contentious procedure against a parent, grandparent, sibling, or half-sibling of the child. The person concerned by the restraining order is forbidden to approach the child without permission or disturb him/her, or is allowed to meet the child only in certain places or from certain distances.

A court may postpone the issuance or execution of these decisions, if the person against whom the measure has been issued regularly visits a counselling centre, a school for parents, or a health care institution to which the parent/grandparent/sibling has been referred.

A postponement decision shall be revoked and the procedure resumed if the persons referred to above does not respect their obligations.

The Family Act prescribes the special procedures of enforcement in order to:

1. surrender a child;
2. realize personal relationship with the child and
3. maintenance.

If the court, upon official duty, renders a decision in accordance with the provisions of this Act, it may, upon official duty, render a writ of enforcement of the mentioned decision and carry out the enforcement. An appeal against the enforcement decision does not retain the execution of the enforcement nor the undertaking of enforcement actions by which the claim for which enforcement has been determined is realized.

The Family Act prescribes specific assurance procedures in order to determine:

1. temporary measures on which parent or another person the child shall live with and the realization of personal relationship with the child and
2. temporary measures for maintenance.

In urgent cases, a temporary measure may be also determined by the court in whose territory the need for determining the temporary measure has occurred or on whose territory the person or thing to which the provisional measures apply is located. The court may determine, upon official duty, the temporary measure in any proceeding which is underway, and in which, according to the provisions of this Act, the rights and welfare of the child are being decided.

The court may, in cases of domestic violence or other aggravating circumstances, implement the decision on the temporary measure before the decision is served to the adverse party. The court may modify or abolish the temporary measure upon the request of the party or upon official duty if it is authorized to determine it upon official duty. Neither the course of the time limit to file an appeal nor the appeal postpone the implementation of the temporary measure.

6.2.2 Liability for caused damage

Enforcement may involve the property of the child only where the child was found responsible by the court for the damages caused. The liability of children for the damages caused depends on their age.

In general, the liability of a child for damages caused is regulated by the Civil Obligation Act which stipulates that:

- a child under 7 years of age cannot be liable for damage;
- a child over 7 years of age and under 14 years of age shall not be liable for damage, unless it can be proved that the child was capable of understanding the fact that his/her act may cause damage, and
- a child of 14 years of age shall be liable under general rules regulating liability for damage.

Parents shall be liable for damage caused to another person by their child under 7 years of age, regardless of their fault; they shall be exonerated from liability if there are grounds for exoneration from liability under the rules concerning liability, regardless of the fault; they shall not be liable if the damage was caused at the time their child was entrusted to another person and if that person is liable for damage. Parents shall be liable for damages caused to another person by their child of 7 years of age, unless they have proved that the damage has not occurred as a result of their fault. When a child, in addition to his parents, is liable for damage, then their liability is shared.

A guardian, school or another institution shall be liable for damage caused to another person by a minor when he/she is under their supervision, unless they have proved that they have exercised supervision to which they are obliged or that the damage could not have been prevented even with due care in exercising supervision. If a minor is also liable for damage, liability shall be shared.

A child may cause damage while under the supervision of persons other than his/her parents. The parents could be held liable, if the damages were caused due to the bad upbringing of the child, bad habits inherited from parents, etc. The parent can be asked to pay for the damages caused by the person who suffered the damage directly, or by the person who was entrusted with the supervision of the child in cases where this person paid for the damages caused by the child to the injured party.

Where damage was caused by a child who cannot be held responsible for that damage due to his/her age but the compensation cannot be obtained from the person who was obliged to supervise the child, the court may order the child defendant to cover the damage partially or fully, as required by the principle of equity, and especially in view of the financial position of the child defendant and the injured party.

Where the damage was caused by a child who has capacity to make judgements but is not in a position to compensate for damage, the court may, as required by the principle of equity, and especially in view of a financial position of parents and injured party, impose obligation on the parents to compensate for damage, partially or fully, although the damage was not caused by their fault.

6.3 Administrative justice

The general rules described below apply to administrative proceedings in the sector of asylum, migration education, health, placement into care and children below MACR who committed an offence. Such rules do not apply to proceedings in the sector of administrative sanctions.

There are no child-specific provisions in the law on enforcement of judgements in administrative judicial proceedings. There are no requirements to inform the child about the decision of the administrative court. Consequently, there are no guidance or codes of conduct that are available to lawyers, guardians ad litem or other professionals to ensure that this information is communicated in a child-friendly manner. In the absence of child-specific provisions, the general rules set out in the Civil Procedure Act and the Family Act apply. Namely, children who lack procedural capacity are informed of the decisions of the administrative courts and enforcements of the decisions through their legal representatives (parents/guardians). The manner of communicating with children is not specified in legislation. Thus, it depends on the individual legal representative how he/she presents the information to the child. There are no provisions in the Law on Administrative Disputes on the protection of children in legislation. Thus, it depends on the individual legal representative how he/she presents the information to the child. There are no provisions in the Law on Administrative Disputes on the protection of children from harm during enforcements, or from individuals involved in the proceedings or related to the cases. However, certain protective measures are foreseen by the Family Act, which would apply, in this case, as *lex specialis*. These measures are put in place by the municipal courts after conducting non-contentious proceedings. The motion for putting in place protective measures, i.e. restraining orders, can be filed to the courts by social service workers, parents/legal representatives or the child him/herself. For more detailed information see the previous answer under civil justice. Under Croatian law, not all decisions that concern children are directly and immediately enforceable. Immediate enforcement is required in a case where the enforcement concerns putting temporary measures in place, e.g. temporary maintenance for children. In other cases, the judgements of courts are not immediately enforceable. In practice, the enforcement tends to be rather lengthy. This is particularly the case when the court's judgement concerns the exercise of parental right over a child. In the enforcement phases of these cases, the courts must consult social welfare authorities, which may be a time-consuming process due to the considerable amount of cases that the social welfare services must deal with. Witnesses and subjects of proceedings are not involved in the enforcement phase of administrative judicial proceedings. There are no child-specific provisions in the Act on Offences on the enforcement of judgements in the proceedings before the Offence Court. As a result, there are no requirements to inform the child about the decision of the Offence Court and no guidance or codes of conduct that are available to a lawyer, a guardian ad litem, or another professional, to ensure that this information is communicated in a child-friendly manner. Witnesses and subjects of proceedings are not involved in the enforcement phase of administrative judicial proceedings. There are no child-specific provisions in the Act on Offences on the enforcement of judgements in the proceedings before the Offence Court.

7. Access to remedies

7.1 Criminal justice

All persons having the right to appeal against a judgment of the competent court as set out in the general rules and conditions on legal remedies established by the Criminal Procedure Act. A child victim, in addition to a state attorney, defendant and defence counsel, may appeal a judgment of the court of first instance. A

child victim, as a party in the criminal proceedings, may appeal the decision of the court on the costs of the trial and the decision of the court on his/her financial claims.

The child victim as a party in the proceedings is not entitled to any of the extraordinary legal remedies such as reopening of criminal proceedings, request for protection of legality and request for extraordinary review of the final judgment.

The Act on Financial Compensation for Victims of Crime is another important legal basis, providing victims of intentional and violent crimes the possibility to request compensation. This Act regulates in detail who is entitled to compensation (direct and indirect victims), under which conditions, how to apply for compensation, which are the competent authorities and what is the exact procedure to do so, even in cross-border cases. All provisions and conditions established by this Act are also applicable to child victims. There is a special privilege for child victims, in respect of the start of the period of the statute of limitations regarding the deadline to submit the request for compensation; for children and child victims it starts running when the victim reaches the age of 18 years old. Therefore, child victims are entitled to submit a request for compensation, even later in life, when they are fully legally capable of exercising all their rights as adults, in case their legal representative did not do so before. There is the same privilege for child victims in cases when the system or their legal representatives fail to act promptly in regard to when the offence or crime was committed, and the child victim was, at that time, under 18 years of age.

The Criminal Code establishes that for certain criminal offences committed against a child, the prescribed period of the statute of limitations regarding criminal prosecution starts running when the victim reaches the age of 18 years old. Therefore, child victims are entitled to initiate prosecution against their offender, even later in life, when they are fully legally capable of exercising all their rights as adults.

7.1.1 Procedure for appeal

All persons having the right to an appeal against a judgement may file an appeal against a judgement issuing punishment to a minor, against a decision issuing a correctional measure against a minor and against a decision suspending the proceeding, within eight days of the receipt of the judgement or decision. The defence attorney, the public prosecutor, the spouse, a relative in the vertical line, an adopted parent, guardian, brother, sister and foster-parent may submit an appeal in favour of the minor even against his will. Persons having submitted an appeal in favour of the minor may abandon the appeal only subject to his approval.

A minor may be sent to undergo the enforcement of an institutional correctional measure even before it becomes legally effective. A decision assigning a minor to a correctional facility or correctional institute before the decision on the correctional measure becomes legally effective shall be issued immediately after deliberation by the youth deliberation council after having interviewed the minor in the presence of his defence attorney, and if the decision is to be adopted subsequently, the decision shall be issued by the council referred to the provisions of Youth Courts Act. Before the issuing of the decision, the parents, guardians or the foster-parent of the minor may be interviewed. An appeal shall not postpone enforcement of the decision. The minor shall be summoned to a session of the council of the second-instance court if the president of the council or the council establishes that his presence would be useful.

The second-instance court may alter the decision of the first-instance court by issuing a stricter sanction against a minor only if that is proposed in the appeal.

7.1.2 Protection of child victims and witnesses

The protection of children-victims is regulated by the Criminal Procedure Act and the Juvenile Courts Act.

A child or a minor who is a victim of a criminal offence shall be entitled to:

- 1) a proxy paid from the budget;
- 2) confidentiality of personal data;
- 3) have the public excluded.

The court, the State Attorney, the investigator and the police shall treat the child or minor under the age of 16 who is a victim of a criminal offence with special consideration bearing in mind his age, personality and other circumstances so as to avoid any harmful consequences for his upbringing and development.

Children/minors are entitled to a representative at the expense of the state budget in specific cases (depending on the type of criminal offense). When the president of the court panel decides that, in order to protect the rights and interests of the child - injured party or victim of a criminal offence, it is necessary to determine a representative, s/he shall submit a proposal to the court president. Legally it seems restrictive for children, but in practice all children generally have the right to a representative. According to the Criminal Procedure Act all children-victims have the right to a representative, and in relation to the compensation, which is regulated by the Act on the Compensation to the Victims of Crime, it does not include special compensation for children-victims of crime. In this connection, it shall be mentioned that financial compensation is paid by the state in special cases, which does not relate to compensation which is a broader concept, and, according to the legislation in force, it is paid by the defendant.

Parents have the right to file a private complaint and hire a lawyer for the compensation of damages from the perpetrator, mostly after the judgment becomes final.

The victims of crime have several rights in the preliminary and criminal proceeding, and in particular children and victims of crimes against sexual freedom and human trafficking are being protected.

The victim of a criminal offense has the right to:

- information that should be given by the police, investigator, state attorney's office and court on the effective psychological and other expert assistance and support of the body, organization or institution for support to the victims of crime;
- participate in the criminal proceeding as an injured party;
- notification of the state attorney on the undertaken action based on the application and the right to file complaints to a higher state attorney;
- the technical assistance of an advisor at the expense of the budget funds if s/he suffer from severe psychophysical damage or more severe consequences of the criminal offense;
- submit a proposal for the realization of the property claim;
- financial compensation in accordance with a special law if s/he has suffered serious bodily injury or serious impairment of health as a result of criminal acts of violence;

If a child is victim of a crime, in addition to the above mentioned rights of the victim, s/he has additional rights:

- to a representative at the expense of the budget funds;
- to be accompanied by persons of confidence when participating in actions;
- to the confidentiality of personal data;
- instead of being examined at court s/he may be examined in his/her apartment or other specially equipped premise;
- to the exclusion of the public
- to be examined without the presence of the judge and the parties in the premise where the child is located through audio-video devices handled by expert assistant;
- during the examination of the child it shall be considered that examination should not have harmful effects on the mental health of the child.

Children are considered to be all the persons under the age of 18. If the victim is a minor or a person deprived of legal capacity, and his/her legal representative has not filed an application within six months from the day the criminal offense has been committed, the period of six months shall begin to run from the day the person turns 18 or from the day a criminal proceeding has been initiated, after the coming of age of the victim, or from the day the legal capacity is returned to the person.

Children witnesses and victims are examined by the judge of investigation at the evidentiary hearing, and the summon for the child-witness shall be delivered by his/her parents or guardian. In the Republic of Croatia, the victims and witnesses can get support and information in the departments for support to victims and witnesses. The departments for support to victims and witnesses were established at 7 county courts, and they provide emotional support and information to victims and witnesses, as well as to the persons accompanying them. The departments provide also support to the municipal and misdemeanor courts. The victims can obtain information on the rights and types of assistance on the free number of the National call center for victims of criminal offences and misdemeanors. The Ministry of Justice also provides information

to victims and witnesses on the rights, and the inquiries may be sent to the e-mail address and additional information can be found on the website of the Ministry of Justice of the Republic of Croatia.

7.2 Civil justice

Children involved in judicial proceedings have a right to file a complaint, or a legal appeal or claim under the general rules set by the Civil Procedure Act and the Civil Obligation Act.

A complaint can be filed in cases where someone is disappointed by the work (e.g. quality of work, level of professionalism, behaviour) of certain professionals. Complaints are usually filed with the professional's bosses or superiors.

7.2.1 Right to appeal

A legal appeal can be filed against first instance judgements of courts by the parties. Appeals against first instance decisions suspend the enforceability of court decisions. Second instance courts adjudicate the decisions of first instance courts. An appeal can be filed challenging the judgement of the first instance court based on the following grounds: substantial violation of civil procedure rules, wrongful or incomplete establishment of the facts and wrongful application of the relevant law. Usually the timeframe for filing the appeal against the judgement of the first instance court is within 15 days from the date when a copy of the judgement has been served. The Civil Obligation Act allows persons (including children) to file a claim for the compensation for damages suffered, for example from someone's failure to perform a contractual obligation. A child cannot file an appeal, claim or complaint in his/her own right, as he/she has no judicial capacity. In place of the child, his/her legal representative files the appeal, claim or complaint. Exceptionally, when the legal representative is not available or is not representing the party efficiently, the child can file an appeal, claim or complaint in his/her own right. Children who have judicial capacity (e.g. married children and employed children) can file an appeal, claim or complaint in their own right. It is noteworthy that in some of the special procedures regulated by the Family Act (i.e. disputes that relate to personal status), a child, regardless of his/her judicial capacity, is entitled to file an appeal, claim or complaint in his/her own right.

7.2.2 Extraordinary legal remedies

A child as a party to the judicial proceedings is entitled also to make use of extra-ordinary legal remedies:

- a) Revision: against a second instance judgement on the ground that procedural mistakes were made; and
- b) Retrial: the proceedings that have been ended by a legally binding decision may be repeated under certain conditions in particular when a person who was not supposed to be a party in the proceedings participated in the proceedings in the capacity of a plaintiff or defendant (for example a child), or if a child who did not have litigation capacity was not represented by his/her legal representative, or if a child's legal representative or proxy did not have appropriate authority to conduct litigation or to take specific actions in the proceedings, unless the conduct of litigation or taking of specific actions in the proceedings was subsequently approved.

7.2.3 Procedure during lodging of an appeal – legal requirements and deciding authorities

In general, the legal representative makes submissions instead of the child without his/her consent and/or appeal without the child's consent.

There are no specific provisions or requirements to provide support to a child in accessing legal remedies. A centre for social care is authorised to present facts which the parties have not stated, suggest evidence, and propose a legal remedy.

Children in Croatia have legal capacity (capacity to have rights and obligations) and judicial capacity (capacity to be the plaintiff or the defendant). Children may acquire capacity to act (capacity of contracting and producing legal effects usually acquired with age of 18 years old) and judicial capacity to act before the age of 18 only if they get married, become parents (i.e. emancipate children), or enter into employment contracts.

The provisions of the Family Act oblige all citizens, legal and natural persons, state bodies and institutions to report social welfare centres for the violation of personal and property rights of the child.

According to the Social Welfare Act, the beneficiary of rights in the social welfare system, who is not satisfied with the service provided or the actions of persons who perform social welfare activities, can submit

a complaint in social welfare institutions, religious communities, other legal persons that provides social services, craftsmen or other natural persons who perform social welfare activities.

Decisions of first instance courts can be appealed before county courts. County courts are almost exclusively second instance courts. As an exception under the general rule, county courts adjudicate at first instance in cases where the subject matter of the dispute is of a high financial value. It is important to note that a right to appeal is a constitutional right of every citizen and a right of every legal entity (for instance corporation) according to the practice of the Constitutional Court.

The highest court in Croatia is the Supreme Court, which hears appeals against decisions of county courts. In its role, the Supreme Court may void, confirm or revise the decisions of lower instance courts. The Supreme Court also decides as a last instance court on extraordinary legal remedies against final court decisions of courts of general jurisdiction (dismissed appeal), and all other courts in Croatia.

7.2.4 Appointment of a special guardian

The centres for social care, in the exercise of public authority, represent children, through special guardians, in proceedings before courts and other bodies. A special guardian is appointed in the following cases: for the child in the process of contesting maternity or paternity; for the child in marital disputes and other proceedings in which parental care and personal relationships with the child shall be decided; for the child in the imposition of measures for the protection of personal rights and well-being of the child within the jurisdiction of the court; the child in the proceeding of rendering the decision replacing the consent to adoption; for the child when there is a conflict of interest between him/her and his/her legal representatives in property proceedings or disputes or in the conclusion of certain legal affairs; the children in case of a dispute or conclusion of legal affairs between them when this person exercise parental care over them; the child who is a foreigner or the child without nationality who is found on the territory of the Republic of Croatia without being accompanied by the legal representative and in other cases if it is necessary to protect the rights and interests of the child. It is important to mention that if the child has a representative, s/he shall not be appointed a special guardian.

The introduction of the institute of special guardians, within the independent public institutions, prevents potential conflicts of interest on the side of social welfare centres and it ensures the highest possible level of protection of children.

7.3 Administrative justice

The Law on Administrative Disputes (hereinafter: the LAD) prescribes that a party to an administrative judicial proceeding, including a child, can file an appeal against the decision of the administrative court to the High Administrative Court. The reasons for filing an appeal include mistakes in a court's procedure, wrongful or undetermined facts or wrongful application of the law. In general, an appeal of the administrative court's decision does not delay the execution of the decision unless the High Administrative Court decides otherwise. Furthermore, the LAD allows parties to an administrative judicial proceeding to file a request to the State Attorney, to question the legality of the administrative court's or the High Administrative Court's decision. This remedy can also be used by the State Attorney *ex officio*. The Supreme Court of Croatia decides on this request, in camera with five judges, and can, upon its decision, either abolish the decision in question and return the case to the court for re-opening the procedure, or change the decision itself. There are no provisions enabling a child to appeal against a court's decision and thus there are also no specific provisions ensuring support specifically to children in accessing remedy mechanisms. Commonly, basic information on the available legal remedies must be provided by the court in its decision.

Child witnesses do not have the rights to appeal against courts decisions or to claim compensation.

7.3.1 Procedural capacity

As children, in general, do not have procedural capacity, typically their parents or guardians act as their legal representatives on their behalf. The child's legal representative is entitled to undertake all procedural actions on behalf of the child.

On behalf of the children, as they lack procedural capacity, remedies for violation of their rights can be accessed by their legal representatives. There are no provisions specifying whether or not the child's consent is necessary for his/her legal representative to make submissions on their behalf. If the administrative court

determines that there is a conflict between the interests of the child and his/her parents, a special guardian, guardian ad litem or special representative is appointed according to the Family Act.

Besides the general rules as described above, in proceedings for placement of individuals, adults or children, in hospitals or specialised institutions for psychiatric treatment, the courts *ex officio* appoint lawyers to facilitate the protection of the patients' rights and interests. Since children, in general, do not have procedural capacity, they would not have the right to instruct the lawyers or waive the right to legal assistance. However, according to general principles, any action taken on behalf of the child, or for the child, in terms of medical treatment, must be approved by the child's legal representative.

7.3.2 Available support in accessing remedy mechanisms

There are no provisions enabling a child to appeal against a court's decision and thus there are also no specific provisions ensuring support specifically to children in accessing remedy mechanisms. Commonly, basic information on the available legal remedies must be provided by the court in its decision. On behalf of the children, as they lack procedural capacity, remedies for violation of their rights can be accessed by their legal representatives. There are no provisions specifying whether or not the child's consent is necessary for his/her legal representative to make submissions on their behalf. If the administrative court determines that there is a conflict between the interests of the child and his/her parents, a special guardian, guardian ad litem or special representative is appointed according to the Family Act (as above explained more detailed).

7.3.3 Claiming compensation for damages caused by violation of rights

The Law on Administrative Disputes stipulates that any compensation claim for damages caused by the violation of rights must be made as part of the official application filed before the administrative court. The court then decides, within the same procedure, on the compensation claim for damages. The court grants compensation whenever it determines that the disputed administrative decision was illegal or wrongful. The administrative court can dismiss a claim for compensation only if it finds that the person requesting compensation is responsible for causing or attributed to causing the damage in question. However, there is no legal obligation on judicial authorities to secure the rights of children involved in judicial proceedings to claim compensation for damages caused by violation of rights.

Child witnesses do not have the rights to appeal against courts decisions or to claim compensation.

7.3.4 Conflict of interest with parental interests

Children can also be assigned a special guardian by the Centre for Social Care, among others, when: there is a conflict between the child and his/her parents, e.g. concerning property matters; conflict evolves between children who are under the parental care of the same person; to unaccompanied children with foreign citizenship. The law does not specify whether or not such guardians of unaccompanied children are appointed free of charge. However, the Law on Asylum guarantees unaccompanied children access to free legal aid and other assistance – therefore it is also likely that guardians are appointed free of charge.

To comply with the European Convention on Children's Rights, the court may appoint a special representative to the child in a case where the holder of parental responsibility is excluded from the representation of the child as a result of his/her conflict of interest with the child. Such a representative is usually a lawyer with a significant track record in proceedings involving children. Special representatives may be appointed in certain judicial proceedings concerning family rights, such as custody over the children in divorce cases and adoptions, as well as cases that concern the protection of children's personal rights and interests. In cases of conflicting interests between parents and children, the courts may also assign guardians *ad litem* to the children – according to the Family Act. However, the court, at its discretion, may appoint a guardian *ad litem* whenever it deems it necessary to ensure the representation of a child, and if it is not possible, due to time constraints, to have a guardian appointed by the competent Centre for Social Care. The court immediately informs the Centre for Social Care and parties to the proceeding on the appointment of a guardian *ad litem*. It is left for the court to decide whether or not to appoint a special representative or a guardian ad litem to represent the interests of the child in the proceeding. Pursuant to the provisions of the Family Act, the centres for special guardianship have been established in the Republic of Croatia as public institutions, which, in the exercise of public authority, represent children, through special guardians, in proceedings before courts and other bodies. In the Family Act, it is prescribed that, in order to protect the personal and property rights and interests of the child, the social welfare centre or court shall appoint a special guardian: the child in the process of contesting maternity or paternity; the child in marital disputes

and other proceedings in which parental care and personal relationships with the child shall be decided; the child in the imposition of measures for the protection of personal rights and well-being of the child within the jurisdiction of the court; the child in the proceeding of rendering the decision replacing the consent to adoption; the child when there is a conflict of interest between him/her and his/her legal representatives in property proceedings or disputes or in the conclusion of certain legal affairs; the children in case of a dispute or conclusion of legal affairs between them when this person exercise parental care over them; the child who is a foreigner or the child without nationality who is found on the territory of the Republic of Croatia without being accompanied by the legal representative and in other cases if it is necessary to protect the rights and interests of the child. It is important to mention that if the child has a representative, s/he shall not be appointed a special guardian.

The introduction of the institute of special guardians, within the independent public institutions, prevents potential conflicts of interest on the side of social welfare centres and it ensures the highest possible level of protection of children.

Pursuant to the provisions of the Family Act, the child is entitled to a special guardian in all the proceedings regarding the determination of his/her rights and interests and to be informed on all the important circumstances of the case and possible consequences in an appropriate way.

The child who is a foreign citizen or the child without nationality who is found in the Republic of Croatia without being accompanied by a legal representative has the right to a special guardian.

7.3.5 Possibility for a child care authority to appeal against certain court decisions involving children

With regard to the possibility of a child care authority to appeal against a court decision involving a child, in Croatia, such a possibility exists for the Centre for Social Care if they are a party to the proceeding. Usually, this would be the case when the Centres for Social Care decide for the placement of children into care according to the Family Act. In these cases, according to the general rules on filing appeals as described above, the Centres for Social Care can also appeal certain decisions concerning children.

7.3.6 Representation in administrative proceedings

There are no specific statutory or policy provisions regulating a child's access to a court to appeal a decision of a public administrative authority. Therefore, the general rules provided by the Law on Administrative Disputes (hereinafter: LAD) apply equally to adults and children. Where the LAD does not provide relevant rules in relation to children, the Civil Procedure Act and the Family Act apply. This is also the case with regard to the procedural capacity of children. According to Croatian legislation a child is a person who is under the age 18. Therefore, until the age of 18 children do not have procedural capacity and must be represented in all legal affairs and procedures by their legal representatives.

Since the child's legal representative acts on his/her behalf, there are no specific conditions or limits set for a child to bring an administrative case before the court and to continue the proceeding.

7.3.7 Specific provisions for young children

Since the child's legal representative acts on his/her behalf, there are no specific conditions or limits set for a child to bring an administrative case before the court and to continue the proceeding. The rules on representation of the child by a legal representative are described in the Civil Procedure Act (hereinafter: CPA) as *lex generalis* and the Family Act as *lex specialis*. There are also no statutory provisions allowing a judge or the court any discretionary power to introduce or waive any conditions or limits for the child's participation in a judicial proceeding. Nor are there any specific provisions for different age groups or very young children. If a child attains the age of 18 during proceedings, under the CPA he/she acquires full procedural capacity and can proceed in his/her own right.

7.3.8 Privacy and dignity

With respect to the child's right to privacy and the media, the Media Act and the Act on Electronic Media contain certain child-specific rules. The applicable provisions state that the media are obliged to respect the privacy and dignity of all citizens and especially of children. Disclosure of information which could reveal the child's identity is forbidden in a case where such disclosure would put the child at risk. Furthermore, the media are obliged to respect the identity of witnesses and crime victims, thus without their consent the media cannot disclose their identities. Images of children must be blurred and they can only be referred to by the

initials of their names. In accordance with the Act on Electronic Media, the Electronic Media Agency was established as an independent non-media organisation responsible for monitoring the relevant laws applied to the media. Two self-regulatory measures applied by the media to protect the child's right to privacy were identified by the Croatian Radio Television Ethics Code and the Code of Honour. However, there does not seem to be any independent non-media organisation that is responsible for monitoring the self-regulatory measures applied by the media. Croatian legislation does not foresee special legal remedies for children whose rights to privacy or family lives have been violated. This implies that the same legal remedies that are available to adults, e.g. to claim compensation, are also available to children.

7.3.9 Child Welfare

Since the children grow up in the environment of their family and make its inseparable part, all the benefits from the social welfare system that are aimed at strengthening the social security of the families, directly or indirectly affect the children. The rights in the social welfare system directed to families and children as well as the conditions for their fulfilment are prescribed by the Social Welfare Act, and include a guaranteed minimum compensation (the amount of money ensuring the fulfilment of the basic needs of households that do not have sufficient resources to meet the costs of their basic needs), compensation for the cost of housing, the right to the costs of fuel, compensation for personal needs of the accommodation beneficiary, a one-time compensation and compensation related to education.

According to the Social Welfare Act, children with developmental difficulties are entitled to allowance for assistance and care, personal disability allowance, compensation of transportation costs for schooling, psychosocial support, early intervention service, day service (full day or half day), accommodation services and organized housing service. Parents shall be granted the status of parents caretaker or caretaker under certain conditions. Furthermore, children with developmental difficulties are provided with assistance in the inclusion into programmes of upbringing and regular education (integration) intended to educators and teachers in pre-schools and schools in order to include children with developmental difficulties or young adults with disabilities into the programmes of regular preschooling and schooling institutions.

The child allowance is a compensation to support the maintenance and education of children that is used by the parent or other person who takes care of the child. The beneficiary of the child allowance may be an adult child without both parents, who is included in regular education.

A child with severe or very severe disabilities as well as a child with serious health damage has the right to an increased allowance that is ensured till the disability or serious health damage exists. Birth incentive is compensation to the beneficiary of the child allowance for the third and fourth child.

The protection of children's rights to maintenance is regulated by the Temporary Maintenance Act that defines the conditions for the acquisition and exercise of the right to temporary maintenance. Temporary maintenance is compensation - a substitute that is paid for the time during which a parent does not pay alimony and lasts for up to three years.

Maternity and parental benefits include time (leave, exempted from work, prescribed time for child care) and financial support (salary, financial compensation, financial assistance, one-time financial assistance for a new born child), and the persons entitled to them are the mother and father of the child, the adoptive parent, guardian, foster parent or other natural person to whom the care and upbringing of a minor is entrusted by a decision of the competent authority. The Maternity and Parental Benefits Act promotes good parenting, safe and responsible raising of the desired number of children, gender equality and the possibility of greater involvement of fathers in child care.

8. Family life

8.1 Procedure for adoption

The Family Act regulates adoption as a special form of family-legal care and protection of children without adequate parental care, which allows parenting to the adoptive parents. The adoptive parent may be a Croatian citizen (exceptionally a foreigner if it is of particular interest for the child) and persons aged at least 21, and at least 18 years older than the adopted child. If there are particularly justified reasons, the adoptive parent may be under the age of 21.

A child can be adopted by married couples and common-law partners jointly, one spouse/common-law partner if the other spouse/common-law partner is the parent or adoptive parent, and a spouse/common-law partner with the consent of the other spouse/common-law partner. The child may be adopted by a person who is not married, if it is of particular interest for the child.

Furthermore, the adoptive parent may not be a person who is deprived of parental care, who is deprived of full capacity to exercise rights and whose past behaviour and characteristics indicate that it is not desirable to entrust him/her with the parental care of the child.

Adoption may be established up to the eighteenth years of age of the child, and a child can be adopted if s/he meets the legal requirements for adoption and if it is in accordance with the child's well-being. A child who is 12 shall give a written consent for the adoption.

A blood relative in a direct line, brother or sister, the child of minor parents cannot be adopted (exceptionally, the child of minor parents can be adopted after one year from the birth of the child, if there is no chance that s/he will be raised in the family of the parents or grandparents or other close relatives) and a guardian may not adopt a ward until s/he is relieved of his/her duties as guardian by the social welfare centre.

The adoption procedure is carried out by the social welfare centre. Before initiating the adoption procedure, the social welfare centre shall issue an opinion on the eligibility and suitability for adoption (within two months from the receipt of the request) upon the request of the person who wants to adopt a child. The eligibility and suitability for adoption are determined by professional workers from the social welfare centre (social worker, psychologist and lawyer) in the procedure of psychosocial processing. The persons wishing to adopt a child are obliged to participate to the program of preparations for the adoption (education).

The social welfare center of the place of permanent or temporary residence of persons who intend to adopt is competent for the assessment of suitability and eligibility of the adoption. The adoption process upon official duty is conducted by the social welfare center competent according to the permanent or temporary residence of the child.

Before starting the adoption process, the spouse or common-law partner or person who wants to adopt shall submit to the social welfare center competent according to their place of permanent or temporary residence a written application on the intention to adopt and the request for obtaining an opinion on the eligibility and suitability for adoption.

On the basis of the application on the intention to adopt and the request for obtaining an opinion on the eligibility and suitability for adoption, the social welfare center shall determine whether the spouse or common-law partner or person who wants to adopt fulfills the legal requirements set out in Family Act and it shall assess their suitability and eligibility for adoption. If the persons who have filed the request for the assessment of eligibility and suitability for adoption fulfill the legal requirements for adoption the social welfare center directs them to the obligation to participate in the program of professional preparation for adoption.

The social welfare center shall conduct the assessment for suitability and eligibility of the adoption and the adoption process. After the conducted professional preparation for adoption and the expert assessment of persons who want to adopt, the social welfare center shall render an opinion on the eligibility and suitability for adoption within six months from the receipt of a written application and request. The minister responsible for social welfare shall prescribe by an ordinance the elements relating to eligibility and suitability for adoption, content of the expert opinion on the eligibility and suitability for adoption, methods of determining eligibility and suitability, content of the report on the child, keeping a register of potential adoptive parents and method of keeping the register of adoptions.

Persons who, according to the opinion of the social welfare center, fulfill the legal requirements for the adoption are obliged to participate in the program of professional preparation for the adoption.

The activities of professional preparation for the adoption are carried out by professionals from the social welfare center or other social welfare institutions competent according to the permanent or temporary residence of potential adoptive parents and civil society organizations authorized to carry out the program of professional preparation for adoptive parents.

The Minister responsible for social welfare shall prescribe by an ordinance the conditions to be fulfilled by civil society organizations for the implementation of the program of professional preparation for adoptive parents, mandatory content and method of implementation of the program of professional preparation of potential adoptive parents and the conditions of professional training of workers, as well as keeping the documents relating to the implementation of professional preparation of potential adoptive parents.

The social welfare center shall inform the potential adoptive parents with the right of a child to be informed from the adoptive parent that s/he has been adopted, and they will be advised to inform the child on the adoption until s/he is seven, and if s/he is older, immediately upon the adoption. On the basis of a positive opinion on the eligibility and suitability for adoption, the social welfare center registers the potential adoptive parents in the register of potential adoptive parents.

The adoption process is initiated and conducted upon official duty by the social welfare center competent according to the permanent or temporary residence of the child. If necessary, the social welfare center shall hear the child's closer relatives on the circumstances important for adoption. In the adoption process, the social welfare center shall give the possibility to the parent who is deprived of the right to parental care to express an opinion on the possibility for the child to be adopted.

The opinion of parents is not binding, yet the professionals from the center shall take into consideration the content of that opinion when rendering a professional assessment on whether the adoption in this particular case is the best form of permanent care of the child. While proceeding, the social welfare center shall especially take into consideration the confidentiality of the adoption process.

The social welfare center competent according to the permanent or temporary residence of the child shall choose, among the potential adoptive parents who are registered in the register of potential adoptive parents, the one that is most eligible for a particular child, taking into account:

1. the characteristics and needs of the child described in the child's report and
2. the expert opinion of the social welfare center on the eligibility and suitability of potential adoptive parents.

If from the drafting of opinions on the eligibility and suitability of potential adoptive parents, until the initiation of the proceeding passes more than a year, the social welfare center of the place of permanent or temporary residence of potential adoptive parents shall review without delay if circumstances have changed.

Before rendering the decision on the adoption, the social welfare center in cooperation with the foster parent or social welfare institution in which the child is placed or another person to whom the child is entrusted with the daily care, shall prepare the child for the adoption and allow the most suitable potential adoptive parents to realize personal relations in order to assess whether the adoption will comply with the welfare of the child.

The realization of personal relations with the child may be allowed only in relation to the most suitable potential adoptive parent and after the parents or guardians have given consent for the adoption. By way of exception the social welfare center can allow the realization of personal relations of the child and the most suitable potential adoptive parent even without the consent of parents or guardians for adoption, if the proceeding before the court has been initiated in order to render a decision that replaces the consent of the parents or guardians for adoption.

The consent of the social welfare center is necessary for the realization of personal relations.

The social welfare center shall warn the parents who refuse to give consent to the adoption, that their consent can be replaced by a court decision, after the expiration of a period of three months from the date when they have been warned about this possibility.

Along with the warning, the social welfare center shall inform the parents on the possibility of imposing measures of intensive technical assistance and supervision pursuant to the relevant provisions of the Family Act for a period of three months, unless the child already lives outside the family, on the basis of a court decision.

The warning is not mandatory if the parent has changed his/her home address, and s/he has not informed the competent social welfare center on the change of address and the home address of the parent cannot be determined. The period of three months shall begin to run from the first action undertaken by the social welfare center in order to determine the home address of parents or from the day of issuing the warning. The period cannot expire before the expiration of five months from the child's birth.

The parent of a child, spouse or common-law partner of the person who intends to adopt a child, a child, or his/her guardian shall give the consent for the adoption in person to the minutes before the social welfare center competent according to their permanent or temporary residence, after which they are served a copy of the certified minutes.

If the persons have given the consent for the adoption before the social welfare center which does not conduct the adoption process, this social welfare center shall immediately deliver a certified minutes on the above mentioned to the social welfare center which conducts the adoption process. A parent can give the consent for adoption to the social welfare center competent according to their permanent or temporary residence also before starting the adoption process, but not before the child is six weeks old. Before the persons shall give their consent, the social welfare center shall inform them on all the legal and psychosocial consequences of the consent and adoption. When a parent gives consent to the adoption, s/he loses the right to exercise parental care. The social welfare center shall place the child under custody, unless the child's guardian has already been appointed. During the realization of personal relations the social welfare center shall provide the family of the adoptive parent with professional help and support, and it shall assess the future relation between the child and the adoptive parents.

The most suitable potential adoptive parent with whom the child resides for the realization of personal relations before the adoption shall have the right, duty and responsibility of every day care for the child. The party may file an appeal against the decision on the adoption to the ministry responsible for social welfare. Adoption is established when the decision on the adoption becomes final. The social welfare center shall submit immediately the final decision on the adoption to the competent registrar for the registration in the register of births, as well as in the social welfare center of the permanent or temporary residence of the adoptive parent.

The social welfare center shall ensure to the child and adoptive parent the necessary advisory assistance and support after the adoption has been established. Upon the request of the social welfare center which rendered the decision on the adoption, the social welfare center of the permanent or temporary residence of the adoptive parent shall monitor the adaptation of the child in the adoptive family and after a period of six months from the date of adoption it shall draft a report. The report shall be submitted to the social welfare center which rendered the decision on the adoption. The social welfare center keeps the case files and register of the adoption cases. Information on the adoption are secret. The adult adoptee, adoptive parent and parent who has given consent that the child is adopted by a known adoptive parent or the spouse or common-law *partner* of the parent of the child shall have access to the case file on the adoption and register of births of the adopted child.

8.2 Access to information held by competent authorities

The social welfare center shall allow a minor adoptee the access to the case file of adoption, and the registrar to the register of births of the adoptee, if the social welfare center determines that the access to the files on adoption or register of births is in his/her interest.

Close blood relatives of the adoptee shall be allowed to access to the case file of adoption if the social welfare center obtains the consent of the adult adoptee.

The Minister responsible for social affairs shall prescribe, by an ordinance, the method of keeping the register and case files of the adoption and content of the report.

8.3 International adoption

According to the Family Act, if the adoptive parent or child is a foreign national, adoption can be established only with the prior approval of the ministry responsible for social welfare. In August 2016, the Ministry of Social Policy and Youth drafted the "Protocol on conducting adoption procedures" in order to promote professional work in the field of adoption, which shall regulate the methods of conduct as well as the

deadlines for undertaking the necessary actions in order to conduct the adoption procedure in a way that protects the rights and welfare of the child. The purpose of the adoption of the Protocol is to standardize the conduct of all social welfare centers in the adoption procedures, increase transparency, speed up procedures and the possibility of greater involvement of potential adoptive parents with the aim to adopt a larger number of children who have fulfilled the legal conditions for adoption. The "Protocol on the conduct of competent authorities in procedures of inter-country adoption of a child from the Republic of Croatia", adopted in July 2016, regulate, for the first time, the procedures of all the participants in the adoption process, taking into account the impact of the passage of time that is extremely important in childhood, and the equalization of opportunities for adoption to all children without parental care are allowed.

Related to the international adoption we point out that the Republic of Croatia is party to The Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, The Hague 1993. The Convention is in force in the Republic of Croatia since 1 April 2014.

The activities of the central authority, in accordance with the Act on Ratification of the Convention on the Protection of Children and Cooperation in Connection with Inter-Country Adoptions, are performed by the ministry responsible for social welfare, Ministry of Social Policy and Youth. In June 2016, the Ministry of Social Policy and Youth adopted the Decision on determining the criteria for the establishment of cooperation with the authorized bodies of other contracting state to the Convention and, in July 2016, it was drafted the "Protocol on the conduct of the competent authorities in procedures of inter-country adoption of a child from the Republic of Croatia" in order to ensure uniform and urgent proceeding of all the bodies involved in the process of inter-country adoption of a child from the Republic of Croatia. The Protocol defines specific actions and deadlines within which the competent authorities shall carry out the mentioned actions during the procedure of inter-country adoption of a child from the Republic of Croatia to another contracting state to the Convention on Protection of Children and Cooperation in Connection with the Inter-Country Adoption. The Ministry of Social Policy and Youth organizes training for professional workers in the social welfare centers which are involved in the process of adoption and inter-country adoption.