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EUROPEAN SOCIAL CHARTER

5th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF CROATIA

(Articles 7, 16 and 17
for the period 01/01/2005 – 31/12/2009;
Articles 8
for the period 01/01/2003 – 31/12/2009)

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Ministry of the Economy, Labour and Entrepreneurship

*The 5th Report by the Government of the Republic of Croatia
for the period between January 2005 and December 2009 on the measures
taken to give effect to the accepted provisions of the European Social Charter
(Articles 7, 8, 16 and 17)*

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REPORT ON THE APPLICATION OF THE EUROPEAN SOCIAL CHARTER

For the period from January 2005 to December 2009 made by the Government of the Republic of Croatia in accordance with Article 21 of the European Social Charter, on the measures taken to give effect to the accepted provisions of the European Social Charter, the instrument of ratification or approval of which was deposited on 26 February 2003, and relating to Articles 7, 8, 16 and 17 of the Charter.

This report also covers the application of such provisions in the following nonmetropolitan territories to which, in conformity with Article 34, they have been declared applicable:

In accordance with Article 23 of the Charter, copies of this report have been communicated to:

- *Union of Autonomous Trade Unions of Croatia*
- *Independent Trade Unions of Croatia*
- *Croatian Trade Unions Association*
- *Association of Croatian Public Service Trade Unions*
- *Association of Workers' Trade Unions of Croatia*
- *Croatian Employers' Association.*

In view of the period covered by the Report and the fact that the new Labour Act was passed in late 2009, effective from 1 January 2010, we consider that it is important to include in this reporting cycle the information on the changes that have taken place in the area of labour legislation, especially because the next report on this set of rights is not due until a few years' time, during which period it will not be possible to present the changes that have taken place in the meantime.

Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

- 1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;*
- 2. to provide that a higher minimum age of admission to employment shall be fixed with respect to prescribed occupations regarded as dangerous or unhealthy;*
- 3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;*
- 4. to provide that the working hours of persons under 16 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;*
- 5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;*
- 6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;*
- 7. to provide that employed persons of under 18 years of age shall be entitled to not less than three weeks' annual holiday with pay;*
- 8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;*
- 9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;*
- 10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.*

National legislation:

- Labour Act (OG 137/04 – revised text, and 68/05 - Labour Act (OG 149/09)
- Family Act (OG 116/03, 17/04 and 107/07)
- Act on Volunteering (OG 58/07)
- Crafts Act (OG 49/03, 68/07 and 79/07)
- State Inspectorate Act (OG 76/99)
- State Inspectorate Act (OG 116/08 and 123/08)
- Occupational Safety and Health Act (OG 59/96, 94/96, 114/03, 100/04 i 76/07)
- Ordinance on Jobs Requiring Special Conditions of Work (OG 05/84)
- Ordinance on the Performance of Activities Related to Employment Outside the Croatian Employment Service (OG 96/02 and 159/04)
- Ordinance on Providing Employment Mediation Services (OG 39/09)
- Ordinance on the Activities that are Considered Industry (OG 67/10)

- Ordinance on Jobs Prohibited to Minors and on Jobs Which Minors May do Only After Having Been Declared Medically Fit (OG 144/09)
- Ordinance on Jobs That May be Done by Minors and Activities in Which Minors May Participate (OG 62/10)
- Ordinance on Jobs Prohibited to Minors (OG 62/10)
- Ordinance on Minimum Requirements for Apprenticeship Contracts (OG 18/08)
- Decision of the National Classification Activities 2007 - NCA 2007 (OG 58/07 and 72/07 - correction Decision)
- National Action Plan for the Rights and Interests of Children 2006-2012
- Programme of Activities for Preventing Violence among Children and Young People
- Protocol for Handling Cases of Violence among Children and Young People
- National Strategy for the Protection from Domestic Violence 2008-2010 (OG 126/07)
- Protocol for Handling Domestic Violence Cases

Paragraph 1 – Prohibition of employment under the age of 15

When it comes to employment of minors, the Labour Act contains provisions on the minimum age for employment, the legal capacity of minors to conclude employment contracts, prohibiting employment of minors in certain jobs, supervising minors' work in certain jobs, prohibiting minors from doing specific type of work, prohibiting minors from doing overtime work, prohibiting minors from doing work in rescheduled full-time working hours, the minimum duration of annual leave for minors, prohibiting minors from doing night work, except in extraordinary situations, as well as penalty provisions regulating sanctions imposed for breaches of the aforesaid provisions of the new LA.

Question by the Committee

In relation to application of the provisions of Article 21, paragraph 1 of the Labour Act (Official Gazette 137/04 – revised text and 68/05, hereinafter: "the LA"), whereby children under 15 must not be employed, we wish to state that this minimum age requirement is applicable to all categories of work, including agricultural work, domestic work and work carried out in family businesses.

The provisions of Article 21, paragraph 2 of the LA stipulate that, by way of exception, upon an explicit request of his or her legal representative and with prior approval of the labour inspector, a person under 15 years of age may, for remuneration, participate in film making, the preparation and giving artistic, theatrical or other similar performances in a manner, to an extent and on assignments which do not threaten his or her health, morals, schooling or development.

Article 17 of the new Labour Act prescribes that it is prohibited to employ a person younger than 15.

It is prohibited to employ a person under fifteen years of age or a person at the age of fifteen or between the ages of fifteen and eighteen who attends compulsory elementary education.

The content of the old paragraph 2, which read as follows: *"As an exception and upon previously obtained approval of a labour inspector, a person under fifteen years of age may, for remuneration, participate in film making, the preparation and giving artistic, theatrical or other similar performances in a manner, to an extent and on assignments which do not threaten his or her health, morals, schooling or development."* can now be found, to a partial extent, in Articles 19 and 20 of the new Labour Act. To ensure protection of minors from particular risks to their health, safety and development, the Minister issued the **Ordinance on jobs that may be done by minors and activities in which minors may participate**, specifying jobs which minors may do only after having been declared medically fit, and laying down the procedure for declaring a minor medically fit and the time limits in which the minor's health must be re-checked, the content of, and the procedure for issuing, a certificate on medical fitness, and other issues relevant to determining the minor's medical fitness, as well as activities in which persons younger than fifteen years of age or at the age of fifteen or those between the ages of fifteen and eighteen who attend compulsory elementary education may be involved against remuneration, subject to the prior approval of the labour inspector.

This means that a person younger than fifteen years of age, aged fifteen or between the ages of fifteen and eighteen, who attends compulsory elementary education may be involved against remuneration in film making, the preparation and giving artistic, theatrical or other similar performances in a manner, to an extent and on assignments which do not threaten his or her health, morals, schooling or development and subject to the prior approval of the labour inspector.

In order to ensure implementation and application of the laws and regulations governing the aforesaid issues and effective protection of children and young persons, and to prevent conduct contrary to these regulations, penalty provisions have been introduced.

Namely, Article 292 and Article 293 of the new Labour Act classify the following violations as minor violations committed by employers and major violations committed by employers, respectively:

Article 292 (Minor violations committed by employers)

(1) A fine in an amount ranging from HRK 10,000.00 to 30,000.00 shall be imposed on the employer-legal person:

- 1) for failing to enable a worker to familiarise himself or herself with employment regulations, and inform him or her about the organisation of work and occupational safety and health, before the commencement of work (Article 6, paragraph 2),
- 2) for failing to make occupational safety and health regulations, collective agreement and employment rules available to workers in an appropriate manner (Article 6, paragraph 3),
- 3) for failing to register the employment contract of a seaman or fisherman working on board a fishing vessel with the county or City of Zagreb state administration office responsible for labour affairs (Article 12, paragraph 6),
- 4) for concluding an employment contract or issuing a certificate which does not contain the information required under this Act (Article 13),
- 5) for concluding an employment contract for a permanent seasonal job which does not contain the information required under this Act (Article 14),

- 6) if the contract or certificate does not contain the information required under this Act or if the worker is not given a copy of the registration form for the pension and health insurance schemes before he or she is sent to work abroad (Article 16, paragraphs 1 and 3),
 - 7) for concluding an employment contract in which the duration of the trial period is longer than permitted by law (Article 35, paragraph 2),
 - 8) for concluding an employment contract in which the duration of apprenticeship is longer than permitted by law (Article 39),
- (2) An employer-physical person and the responsible person in the employer-legal person shall be fined in an amount ranging from HRK 1,000.00 to 3,000.00 for a violation referred to in paragraph 1 of this Article.
- (3) If a violation referred to in paragraph 1 of this Article was committed in respect of a minor worker, the fine is doubled.

Article 293 (Major violations committed by employers)

- (1) A fine in an amount ranging from HRK 31,000.00 to 60,000.00 shall be imposed on the employer-legal person:
- 1) for concluding a fixed-term employment contract in the case that is not provided by the law or collective agreement (Article 10, paragraphs 1, 2 i 3),
 - 2) for hiring a minor without the approval of his or her legal representative (Article 18, paragraph 1),
 - 3) for concluding an employment contract with a worker who does not meet special conditions for employment, as prescribed by law, other regulation, collective agreement or employment rules (Article 21),
 - 4) if, in the procedure for selecting a candidate for a job (carrying out interviews, tests, surveys, etc.) or when concluding an employment contract, information is requested from the worker which is not directly related to his or her employment (Article 23, paragraph 1),
 - 5) for concluding an employment contract for temporary work which does not contain the information required under this Act (Article 26, paragraphs 2 and 4),
 - 6) for assigning a worker to a user for the performance of an identical job for a continuous period longer than one year (Article 28),
 - 7) for failing to inform the works council about the number and the reasons for taking assigned workers within the time limit prescribed in this Act or for failing to inform assigned workers about vacancies they are eligible for (Article 30, paragraph 2),
 - 8) for failing to make reference, in legal transactions and on business documents, letters and contracts, to the registration number under which it is registered as an agency in the Ministry's records (Article 32, paragraph 4),
 - 9) for collecting, processing, using and sending to third persons personal information about workers, contrary to the provisions of this Act, or for failing to appoint a person who would, along with the employer, be authorised to monitor the collection, processing, use and delivery of such information to third persons (Article 34, paragraphs 1 and 6),
 - 10) for failing to conclude a contract in writing with a person receiving occupational training (Article 41, paragraph 5),
 - 11) for not allowing a worker to take a rest period, in the manner and under the conditions provided by this Act (Article 52),
 - 12) for not allowing a worker to take a daily rest, in the manner and under the conditions provided by this Act (Article 53),
 - 13) for not allowing a worker to take a weekly rest, in the manner and under the conditions provided by this Act (Article 54),

- 14) for not allowing a worker to take an annual leave in portions, under the conditions provided by this Act (Article 62),
- 15) for failing to prepare an annual leave schedule in compliance with the provisions of this Act, or for failing to inform a worker within the prescribed time limit about the duration and the period in which he or she may exercise the right to annual leave, or for failing to enable a worker working part-time for two or more employers who have not reached an agreement on simultaneous use of annual leave to use annual leave according to such worker's request (Article 64),
- 16) for not allowing a worker to take a paid leave, in the manner and under the conditions provided by this Act (Article 65),
- 17) for asking information on a woman's pregnancy, or for ordering another person to ask such information, except when the woman herself requests a specific right envisaged under law or another regulation for the protection of pregnant women (Article 67, paragraph 2),
- 18) for not allowing a worker after the expiration of maternity, parental or adoption leave, leave for the purpose of caring for or nursing a child with severe developmental problems, or after the suspension of the worker's employment contract until the child's third birthday pursuant to a special regulation, to return to the job he or she had done before exercising any of these rights, under the conditions provided by this Act, or for not offering to such a worker to conclude an employment contract for the performance of other appropriate job, or if the employer, in the case the worker has ceased to exercise any of these rights, fails to return such a worker to the job he or she had done before exercising these rights within one month from the date of being notified of the cessation of the exercise of these rights (Article 73),
- 19) for failing to offer to a worker who was temporary unable to work due to an injury or employment injury, disease or occupational disease to return to the job he or she had done previously, or for failing to offer to such a worker to conclude an employment contract for the performance of other appropriate job (Article 76),
- 20) for failing to make an offer in writing to a worker found to be suffering from occupational inability to work or who is in immediate danger of disability to conclude an employment contract for the job he or she is able to carry out, provided that the employer is able to offer the work such worker is able to carry out (Article 78),
- 21) for collecting a claim against a worker by withholding the worker's salary or part thereof, or by withholding the compensation in lieu of wages or part thereof, without the worker's agreement (Article 88, paragraph 1),
- 22) for hiring a worker at a job that had been declared redundant, without offering to the worker dismissed from that job due to business reasons to conclude a new employment contract before the expiration of the six month period (Article 107, paragraphs 7 and 8),
- 23) for failing to prepare a redundancy social security plan, when required to do so under this Act (Article 121),
- 24) for failing to submit a redundancy social security plan to the competent public employment service or the works council (Article 122, paragraph 1),
- 25) for dismissing workers in respect of whom a redundancy social security plan had been developed before the expiration of a period of 30 days or before the expiration of a moratorium on such dismissals imposed by the competent public employment service (Article 122, paragraphs 4 and 5),
- 26) for failing to adopt or publish employment rules, or for failing to regulate by employment rules the issues that need to be regulated by such rules (Article 125, paragraph 1),
- 27) for adopting employment rules without consultation with the works council (Article 126, paragraph 1),

- 28) for failing to appoint a person who would, along with the employer, be authorised to receive and deal with complaints relating to the protection of workers' dignity, or for disclosing information obtained in the complaint procedure (Article 130, paragraphs 2 and 7),
- 29) for preventing workers from electing a works council (Article 137),
- 30) for failing to inform the works council on issues it is obliged to inform them about (Article 148),
- 31) for failing to consult the works council on issues it is obliged to consult them in the manner prescribed by this Act (Article 149),
- 32) for rendering a decision without obtaining the agreement of the works council when such a decision may be rendered only subject to prior agreement of the works council (Article 150, paragraph 1),
- 33) for failing to provide conditions required for the operation of the works council (Article 155),
- 34) for failing to allow an appointed or elected workers' representative to sit on an organ of the employer or other corresponding body in a company, co-operative society or public institution (Article 163),
- 35) for failing to provide, at the request of the workers' representative, information on the total number of workers and the number of workers in individual Member States of the European Union and at individual undertakings or on the structure of the undertaking (Article 170, paragraph 2),
- 36) for failing to convene a constitutive meeting of a special negotiating body within the prescribed time limit (Article 175, paragraph 5),
- 37) for failing to provide the special negotiating body with information that is relevant to decisions to be taken (Article 175, paragraph 6),
- 38) for failing to provide conditions required for the operation of the special negotiating body in the manner provided by this Act (Article 178),
- 39) for failing to convene a constitutive meeting of the European Works Council (Article 185, paragraph 1),
- 40) for failing to provide conditions required for the operation of the European Works Council in the manner provided by this Act (Article 185, paragraph 5),
- 41) for failing to inform and consult the European Works Council on business results at least once in every calendar year, or to submit a report thereon in due time, accompanied with relevant documentation (Article 186, paragraph 2),
- 42) for failing to inform the election committee referred to in Article 185, paragraph 3 of this Act or the European Works Council, if no election committee has been established, about specific circumstances which may significantly affect the workers' interests, or for failing to provide them with relevant documentation or to consult them about such specific circumstances (Article 187, paragraph 1),
- 43) if, after the expiration of two years from the date of the constitutive meeting of the European Works Council, the employer fails to provide information on any changes in the number of workers in Member States of the European Union or in undertakings, establishments or groups of undertakings (Article 188, paragraph 3),
- 44) for failing to open negotiations with the workers' representatives on the arrangements for workers' participation in decision-making in a European Company or in decision-making in a European Cooperative Society, or for failing to provide the workers' representatives with the required data (Article 195, paragraphs 1 and 3 and Article 219),
- 45) for failing to provide conditions required for the operation of the special negotiating body in the manner provided by this Act (Article 199 and Article 219),

- 46) for failing to convene a constitutive meeting of the works council of a European Company or the works council of a European Cooperative Society within the prescribed time limit (Article 207, paragraph 2 and Article 219),
- 47) for failing to provide the works council of a European Company or the works council of a European Cooperative Society, on a regular basis, with reports on business operations of the European Company and its development plans, or with agendas for meetings of the bodies supervising the operations of a European Company or a European Cooperative Society, or with documents relating to the work of the general meeting of the founders of a European Company (Article 208, paragraph 2 and Article 219),
- 48) for failing to inform the works council of a European Company or a European Cooperative Society or their select committee, if such a committee has been established, in due time, about specific circumstances which may significantly affect the workers' interests, or for failing to provide them with relevant documentation or to consult them about this in a special meeting (Article 209, paragraph 1 and Article 219),
- 49) for failing to provide conditions required for the operation of the works council of a European Company or a European Cooperative Society or their select committee in the manner provided by this Act (Article 210, paragraph 2 and Article 219),
- 50) for attempting to achieve or for achieving prohibited control over establishment and activities of a trade union or a higher-level trade union association (Article 244, paragraph 1),
- 51) for failing to calculate or deduct union membership fees or to pay them into a specified account (Article 250),
- 52) for failing to submit a collective agreement or amendments thereto to the competent body, when required to do so (Article 264, paragraph 1 and 3),
- 53) for failing to publish a collective agreement in a prescribed way (Article 265, paragraphs 1 and 2),
- 54) for refusing to take part in a mediation procedure provided for by this Act (Article 270, paragraph 1),
- 55) for placing a worker involved in organising or participating in a strike, organised in compliance with the law, collective agreement and trade union rules, in a less favourable position compared with other workers (Article 279, paragraph 2),
- (2) An employer-physical person and the responsible person in the employer-legal person shall be fined in an amount ranging from HRK 4,000.00 to 6,000.00 for a violation referred to in paragraph 1 of this Article.
- (3) If a violation referred to in paragraph 1 of this Article was committed in respect of a minor worker, the fine is doubled.
- (4) The employer-legal person shall be liable for violations referred to in subparagraph 33, paragraph 1 of this Article even when the responsible person does not have misdemeanour liability.
- (5) For a violation from paragraph 1 of this Article, the employer-legal person may be imposed an on-the-spot fine of HRK 10,000.00, whereas the employer-physical person and the responsible person in the employer-legal person may be imposed an on-the-spot fine of HRK 3,000.00.
- (6) For the purposes of this Article, legal persons referred to in Articles 4, 5, 6 and 7 of Title XVII of this Act shall be considered to be employers.

Thus, Article 294 of the new Labour Act classifies the following violations as the gravest violations that may be committed by employers:

- paragraphs 1 and 2 stipulate that a fine in an amount ranging from HRK 61,000.00 to 100,000.00 shall be imposed on the employer-legal person, and that an employer-physical

person and the responsible person in the employer-legal person shall be fined in an amount ranging from HRK 7,000.00 to 10,000.00:

- 1) for failing to keep records on workers and working time or for failing to keep such records in a prescribed manner or for failing to provide information on workers and working time upon request of a labour inspector (Article 4),
- 2) if, in the case when an employment contract is not made in writing, the employer fails to give the worker a written certificate about the conclusion of a contract before the work commences or if he or she fails to give the worker a copy of the registration form for the compulsory pension and health insurance schemes within the prescribed time limit (Article 12, paragraphs 3 and 5),
- 3) for concluding an employment contract for work at a separate workplace which does not contain the information required under this Act, or for concluding such a contract in respect of work for which it must not be concluded (Article 15, paragraphs 1 and 4),
- 4) for failing to notify the state administration body responsible for labour inspection about the conclusion of an employment contract for work at a separate workplace within the prescribed time limit (Article 15, paragraph 6),
- 5) for employing a person under fifteen years of age or a person older than 15 and younger than 18 attending compulsory elementary education (Article 17, paragraph 1),
- 6) for failing to obey the labour inspector's order prohibiting work of a minor worker younger than 15 or a person older than 15 and younger than 18 attending compulsory elementary education (Article 17, paragraph 2),
- 7) for employing a minor in a job which may threaten his or her safety, health, morals or development (Article 19, paragraph 1),
- 8) for employing a minor, before establishing his or her medical fitness, in jobs that minors may do only after their medical fitness has been established (Article 19, paragraph 3),
- 9) for failing to obey the labour inspector's order prohibiting work by minors in jobs that may jeopardise their safety, health, morals or development or prohibiting participation in activities without the labour inspector's prior approval (Article 19, paragraph 6),
- 10) for failing to offer a minor worker to conclude an employment contract for the performance of other appropriate job (Article 19, paragraph 7),
- 11) for failing to obtain an expert report and opinion on the impact of a job on the minor worker's health and development within the time limit set by the labour inspector (Article 20, paragraph 2),
- 12) for failing to obey the labour inspector's order prohibiting a minor worker from performing specific assignments (Article 20, paragraph 4),
- 13) for failing to offer a minor worker to conclude an employment contract for the performance of other appropriate job, when required to do so on the basis of the report and opinion of an authorised physician (Article 20, paragraph 6),
- 14) for pursuing the activity of assigning workers to a user before registering such activity in the records of the Ministry (Article 24, paragraph 3),
- 15) for assigning a worker without having concluded a worker assignment agreement, or for concluding a worker assignment agreement which does not contain the information required under this Act or for concluding such an agreement in situations when it cannot be concluded (Article 25),
- 16) for assigning a worker to a user without an employment contract or assignment note, or if the assignment note does not contain the information required under this Act (Article 29, paragraphs 1 and 2),
- 17) for concluding an employment contract in which full-time working hours are stipulated for longer than permitted by law (Article 43, paragraph 2)

- 18) for requiring workers to work in excess of shortened working hours in jobs where, even when occupational safety and health measures are undertaken, it is not possible to protect them from harmful effects (Article 44, paragraph 4),
- 19) for requiring workers to work in excess of full-time working hours ("overtime work"), longer than the maximum number of hours permitted by law for such work (Article 45, paragraph 1),
- 20) if overtime work of a particular worker exceeds thirty-two hours a month or one hundred and eighty hours a year (Article 45, paragraph 2),
- 21) for failing to inform the labour inspector about overtime work within the prescribed time limit, when required to do so (Article 45, paragraph 3),
- 22) for failing to obtain a report and opinion on the impact of overtime work or work according to rescheduled working hours on the worker's health, working ability and safety, within the time limit specified by the labour inspector (Article 45, paragraph 4),
- 23) for ordering a minor worker to work overtime (Article 45, paragraph 5),
- 24) for ordering a pregnant woman, a parent of a child under three years of age, a single parent of a child under six years of age or a worker working part-time to work overtime without obtaining their written consent (Article 45, paragraph 6),
- 25) for failing to comply with the labour inspector's decision prohibiting overtime work which has harmful consequences on the worker's health, working ability or safety, or is contrary to the provisions of the Act (Article 45, paragraph 7)
- 26) for failing to inform a worker about the schedule of working hours or any rescheduling of working hours at least one week in advance, save in cases of urgent overtime work (Article 46, paragraph 2),
- 27) if, in the case when the work process is organised in shifts, as a result of which full-time or part-time working hours are not distributed evenly across weeks, but are determined in terms of average weekly working hours over a period of four months, the deviation from full-time working hours as defined in the Act amounts to more than twelve hours a month (Article 46, paragraph 3).
- 28) for establishing a schedule of working hours for a minor worker in the duration longer than 8 hours a day (Article 46, paragraph 6),
- 29) for failing to prepare a plan of rescheduled working hours with the prescribed content, in the case when re-scheduling of working hours is not provided for by a collective agreement or an agreement between the works' council and the employer, or for failing to submit such a plan of rescheduled working hours to the labour inspector (Article 47, paragraph 2),
- 30) if the rescheduled working hours are longer than prescribed by law (Article 47, paragraphs 4, 5 and 8),
- 31) for failing to submit to the labour inspector, at his or her request, a list of workers who have given a written statement about voluntary consent to work in rescheduled working hours, enclosed with a plan of rescheduled working hours (Article 47, paragraph 7),
- 32) for ordering a minor worker to work in rescheduled working hours that lasting more than eight hours a day (Article 47, paragraph 10),
- 33) for ordering a pregnant woman, a parent of a child under three years of age, a single parent of a child under six years of age or a worker working part-time to work rescheduled, full- or part-time working hours without obtaining their written consent, or if such work lasts more than forty-eight hours a week (Article 47, paragraph 11),
- 34) for failing to comply with the labour inspector's decision prohibiting or limiting rescheduled working hours (Article 47, paragraph 12),
- 35) for determining a schedule of daily working hours for a night worker in the duration of more than eight hours (Article 48, paragraph 6),

36) for ordering a pregnant or minor worker to work night hours, contrary to the provisions of this Act (Article 49, paragraphs 1 and 2),

37) for failing to ensure that night work by a minor is supervised by an adult worker or for failing to comply with the labour inspector's decision to prohibit night work in cases where such work is in contravention of the provisions of the Act (Article 49, paragraph 3 and 4),

38) if, in the case when work is organised in shifts, including night shift, the employer fails to ensure a rotation of shifts in such a way that a worker works the night shift for no longer than one week (Article 50, paragraph 3),

39) for failing to enable a worker who is, on the basis of the working hours schedule, assigned to perform his or her job as a night worker, to undergo a medical examination pursuant to a special regulation, before undertaking night work or while working as a night worker (Article 51, paragraph 3),

40) for failing to compile a working hours schedule in such a way that a night worker, who was, as a result of a medical examination undertaken before he or she commenced carrying out such work or a regular check-up in the course of its duration, found to be experiencing health problems due to night work, may perform the same job outside the night shift (Article 51, paragraph 5),

41) for failing to offer a night worker, who was, as a result of a medical examination undertaken before he or she commenced carrying out such work or a regular check-up in the course of its duration, found to be experiencing health problems due to night work – in a situation in which the performance of the same job cannot be not ensured outside the night shift by means of the working hours schedule – to enter into an employment contract for the performance, outside the night shift, of a job which the worker in question has the capacity to perform and which corresponds as much as possible to the job the worker performed previously (Article 51, paragraph 6),

42) for failing to establish a working hours schedule for a night worker who is exposed to particular risks or hard physical or mental strain in such a way that his or her working hours are limited to no more than eight hours in the period of twenty-four hours during which he or she works at night (Article 51, paragraph 7),

43) for failing to enable a worker to take an annual leave in the minimum duration, as provided by this Act (Article 55),

44) for concluding with a worker an agreement under which the worker waives his or her right to annual leave, or accepts to receive payment of compensation in lieu of annual leave (Article 57),

45) for not allowing a worker to use a portion of the annual leave pursuant to this Act (Article 59),

46) for failing to pay to a worker compensation in lieu of wages for annual leave, in the amount and in the manner provided by this Act (Article 60),

47) for refusing to employ a woman on grounds of her pregnancy, for cancelling a pregnant woman's employment contract, or for offering to such a worker to conclude a modified employment contract, contrary to the provisions of this Act (Article 67, paragraph 1),

48) for dismissing, during pregnancy, the exercise of maternity, parental or adoption leave, work in one half of full-time working hours, work in shortened working hours to enhance child care, leave of a pregnant woman or a breastfeeding mother, leave or shortened working hours for the purpose of caring for or nursing a child with severe developmental problems or during the period of fifteen days after the cessation of pregnancy or the cessation of the exercise of these rights, a pregnant women or a person using any of the said rights (Article 71, paragraph 1),

- 49) for dismissing a worker who is temporarily unable to work due to an employment injury or occupational disease while he or she is temporarily unable to work (Article 74, paragraph 1),
- 50) for failing to give a worker, within a prescribed time limit, a payroll account from which it is evident how the wage, compensation in lieu of wages or severance pay was calculated or if such payroll account does not include all required elements (Article 85, paragraphs 1 and 4),
- 51) for failing to give a worker a payroll account of the arrears of the wages, compensation in lieu of wages or severance pay payable to him or her, or if such account does not include all required elements (Article 85, paragraphs 2 and 4),
- 52) for failing to give reasons for dismissing a worker or for failing to serve a notice of dismissal on the worker (Article 112, paragraphs 2 and 3),
- 53) for failing to issue, within a prescribed time limit and at the request of a worker, a certificate on the type of the job the worker is to perform or on the duration of the worker's employment relationship (Article 124, paragraph 1),
- 54) for failing to return to a worker, after the termination of employment, all of the worker's documents and copies of the notices of cancellation from the compulsory pension and health insurance schemes, or for failing to issue to the worker a certificate setting out the type of job he or she performed and the length of his or her employment (Article 124, paragraph 2),
- 55) for stating in a certificate on employment, apart from the information on the type of job and the duration of employment relationship, any other information that would make it more difficult for a worker to enter into a new employment contract (Article 124, paragraph 3),
- 56) if, in the case of transfer of employment contracts to a new employer, the employer fails to inform the new employer, fully and accurately and in writing, about the rights of workers whose employment contracts are being transferred (Article 133, paragraph 4),
- 57) for failing to provide timely and complete information, in writing, about any transfer of an undertaking, business, or part of an undertaking or business to a new employer to the works council or to all workers affected by this transfer, before the date of the transfer (Article 133, paragraphs 6 and 7),
- 58) for obstructing or attempting to obstruct a labour inspector in his or her supervisory duties (Article 288),
- 59) for refusing to return the employment book to a worker when required to do so (Article 291, paragraphs 3 and 4),
- 60) for failing to return the employment book to a worker within the prescribed time limit (Article 299, paragraph 2).

Paragraph 3 of Article 294 stipulates that if any of the above violations is committed in respect of a minor worker, the fine is to be doubled.

Paragraph 2 – Prohibition of employment under the age of 18 – for dangerous activities

Article 19 of the new Labour Act prescribes that a minor must not be employed in jobs which may threaten his or her safety, health, morals or development.

Jobs in which it is not allowed to hire a minor and those that may threaten his or her health have been specified by the minister responsible for labour, with the prior agreement of the minister responsible for health, pursuant to Article 19, paragraph 2 of the Labour Act.

In particular, with a view to protecting minors from specific risks to their safety, health, morals or development, the new **Ordinance on jobs prohibited to minors** has specified jobs in which it is not allowed to hire minors, due to their lack of experience, lack of awareness about existing or potential risks or the fact that they are still not sufficiently mature.

Article 2 of the said Ordinance specifies jobs in which it is prohibited to employ minors in order to protect them from specific risks and these are:

- 1) jobs defined as jobs requiring special conditions pursuant to occupational safety and health regulations,
- 2) jobs defined as particularly arduous and prejudicial to health, so that the insurance periods completed at these jobs are taken as insurance periods with increased duration, and
- 3) jobs which are, objectively, beyond the minor's physical and psychological capabilities; those involving harmful exposure to agents that are toxic, carcinogenic, or causing hereditary genetic damage or damage to an unborn child; those that may cause long-term effects to human health in any way; those involving harmful exposure to radiation; those involving the risk of employment injuries (accidents) which the minor is presumed not to be able to recognise or avoid on account of his or her insufficient awareness of safety considerations or a lack of experience or training; those involving the risk to life due to exposure to extreme cold or heat; those involving the risk of noise or vibration.

Jobs in which it is prohibited to employ minors are also deemed to include all jobs that involve or might involve specific risks to minors due to harmful exposure to physical, biological or chemical agents, or due to carrying out procedures and work specified in the aforesaid Ordinance.

Article 3 of the Ordinance stipulates that, in order to protect the morals of minors, it is prohibited to employ minors in gambling houses, amusement arcades, disco clubs, night bars and night clubs, as well as in other jobs that might potentially threaten their morals.

In the light of the above, if the labour inspector finds a minor to be carrying out work that might threaten his or her health, morals or development, the employer is obliged, at the request of the minor, his or her parent or guardian, the works' council or trade union, offer the minor worker to conclude an employment contract for the performance of other, appropriate job. If there is no such a job, the employer may cancel the minor's employment contract, subject to granting to him or her all the rights that may arise as a result of the cancellation of his or her employment contract.

Should the employer not offer the minor to enter into an employment contract for the performance of other, appropriate job in the above described situation, he or she will be deemed to have committed one of the gravest violations.

The possibility for regular secondary school pupils to carry out work that may, entirely or predominantly, have the characteristics of an employment relationship, without entering into an employment contract or establishing an employment relationship, is laid down in the provisions of Articles 21 to 30 of the Ordinance on carrying out employment mediation activities.

The main characteristics of occasional work of regular secondary school pupils, which may be carried out on the basis of a contract on occasional work of regular pupils, with all prescribed elements, are as follows:

- mediation activities are carried out in respect of occasional work of regular secondary school pupils during winter, spring or summer break, the duration of which is prescribed by the minister responsible for education for each school year;
- to be able to engage in mediation activities for a minor regular pupil, a secondary education institution must obtain a written consent from his or her legal representative (parent or guardian), and for a pupil under the age of 15, a written approval from the labour inspector must also be obtained;
- it is obligatory to enter into a contract entitled "Contract on occasional work of regular pupil";
- a contract on occasional work of regular pupil shall be concluded between the pupil, subject to co-signature of his or her legal representative, and the client, with the mediation of a licensed secondary education institution, which is obliged (in order to facilitate supervision) to provide a copy of each contract of this kind to the labour inspector who has territorial jurisdiction, within three days of the date of the conclusion of the contract;
- the contract must contain a reference to the Ministry's decision to issue the mediation license, the pupil's name and surname, date and place of birth, membership card number, full name and seat of the client, information about the type of work, the number of hours to be worked, the rate of pay and the amount of remuneration;
- full-time working hours of a minor pupil may not be longer than seven hours a day and 35 hours a week; it is only by way of exception that a minor pupil in regular education, who has attained 15 years of age, may work eight hours a day and 40 hours a week;
- a minor pupil in regular education who works more than 4 hours and 30 minutes a day is entitled to a recess (break) of at least 30 minutes; such a pupil is also entitled to a daily rest of at least 14 hours without interruption between two consecutive working days, as well as a weekly rest of at least 48 hours without interruption;
- minor pupils are not allowed to work in the period from 8 in the evening to 6 in the morning; the mediation fee payable to the secondary education institution may not exceed 10% of the pupil's remuneration, may only be charged to the client, and should be used to improve the educational standard.

As regards other jobs, Article 2 of the new Ordinance on jobs that may be done by minors and activities in which minors may participate specifies that, when it comes to jobs other than those prohibited to minors, minors may do them only after having been declared medically fit. The medical fitness is established in a medical examination performed before the commencement of work and repeated in the course of work, i.e. no later than within one year of the commencement of the minor's work. Such an examination may also be performed before the expiration of this time limit, if the attending general/family medicine practitioner or the competent occupational health medical practitioner so orders, or if the minor or his or her legal representative so requests.

Pursuant to Article 7 of the new Ordinance on jobs that may be done by minors and activities in which minors may participate, a person under fifteen years of age, aged fifteen or between the ages of fifteen and eighteen, who attends compulsory elementary education, may be involved against remuneration in film making, the preparation and giving artistic, theatrical or other similar performances in a manner, to an extent and on assignments which do not threaten his or her health, morals, schooling or development.

REGISTERED EMPLOYMENT AND YOUTH EMPLOYMENT LEVELS

The following table provides an overview of the employment of persons aged between the ages of 15 and 24, who were registered as unemployed in the period from 2003 to 2009. The figures in the table show the flow from unemployment into employment over these years. It is noticeable that in 2008 the number of young people who found employment significantly fell, and that in 2009 it was further drastically reduced, as a result of the economic crisis.

The number of persons aged between 15 and 24, registered as unemployed, who found employment during the year concerned

Year	Total	Men	Women
2003	50,396	24,668	25,728
2004	48,262	23,447	24,815
2005	48,929	23,890	25,039
2006	51,614	25,008	26,606
2007	50,859	24,285	26,574
2008	42,132	20,372	21,760
2009	34,678	16,649	18,029

Source: Croatian Employment Service

The following table shows the number of persons aged between 15 and 24 who were working in legal persons in the period from 2004 to 2009. The figures relate to the situation as of mid-March. It is noticeable that the number of young employees reached its peak in 2008, and that in 2009 it significantly dropped. As already stated, this was a result of the economic crisis.

The number of persons aged between 15 and 24 working in legal persons, as of mid-March

Year	Total	Men	Women
2004	71,584	42,217	29,367
2005	67,664	39,537	28,127
2006	72,638	43,265	29,373
2007	77,810	46,770	31,040
2008	83,805	51,409	32,396
2009	76,525	46,782	29,743

Source: Central Bureau of Statistics.

The State Inspectorate, as the state administration body primarily responsible for inspection activities, has specific powers when it comes to protecting children – minors. It is, first of all, responsible for suppressing various forms of illegal work of minors and for overseeing the implementation of regulations on working conditions and the safety and health of minors.

Thus, **during 2005 labour inspectors responsible for labour relations**, while acting within their competencies, discovered a total of **271** violations of penalty provisions of the LA (in respect of **188** minors), which related to the work and employment of minors and which might only be committed against minors, in particular, in the following economic activities: catering, tourism, commerce, industry, trades and crafts services, utility services, agriculture, production and broadcasting of TV and radio programmes and filming. Minors were engaged as waiters, cooks, bakers, sales assistants, actors, extras, hosts of children's programmes, in horticulture, while performing tasks related to controlling and collecting parking fees, harvesting, and in various auxiliary jobs in the catering and tourism industries.

Following the inspections carried out by first hand observation in the said period and on the basis of the statements given by minors found on the premises, other workers and employers' representatives, by examination of the documents relating to the employment status of workers, the workers' employment records and other business documentation, the inspectors found that the following violations of the LA's provisions had been committed (exclusively in respect of minors):

- 11 persons younger than 15 worked in contravention of Article 21, paragraph 1 of the LA, which is punishable under Article 248, paragraph 1, item 4 of the LA,
- 24 persons younger than 15 participated in shooting films or in preparing and giving artistic, theatrical or similar performances, without the prior approval of the labour inspector, in contravention of Article 21, paragraph 2 of the LA and punishable under Article 248, paragraph 1, item 5 of the LA,
- one minor was found doing a job which could threaten his health, morals or development, in contravention of the provisions of Article 23, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 6 of the LA,
- 67 minors worked overtime, in contravention of the provisions of Article 41, paragraph 5 of the LA and punishable under Article 248, paragraph 1, item 17 of the LA,
- 2 minors worked in rescheduled full-time working hours, in contravention of the provisions of Article 43, paragraph 7 of the LA and punishable under Article 248, paragraph 1, item 20 of the LA,
- 107 minors worked night hours, i.e. between the hours of 7 in the evening and 7 in the morning of the next day (in industry) or between the hours of 8 in the evening and 6 in the morning of the next day (outside industry), in contravention of the provisions of Article 62, paragraph 3 of the LA and punishable under Article 248, paragraph 1, item 27 of the LA,
- there were 59 cases of employment of minors without prior approval from their legal representatives, in contravention of Article 22, paragraph 1 of the LA and punishable under Article 247, paragraph 1, item 1 of the LA,

In addition to the said irregularities, in the period between 3 August 2005 (when all State Inspectorate's regional offices were ordered to step up supervision in relation to employment and work of minors) and 31 December 2005, labour inspectors responsible for labour relations also discovered 42 cases of employment of minors to whom their employers had failed to provide written certificates about the conclusion of employment contracts before the

commencement of work, in the cases when employment contracts were not concluded in writing, which was in contravention of the provisions of Article 16, paragraph 3 of the LA and punishable under Article 248, paragraph 1, item 1 of the LA, 37 cases in which employers had failed to register minor workers for compulsory pension and health insurance, and 4 cases in which employers had failed to register such workers for compulsory pension and health insurance beginning on the day when they began to work, which was contrary to the provisions of Article 101, paragraphs 1 and 2 of the Pension Insurance Act (Official Gazette 102/98, 127/00, 95/01, 109/01, 147/02, 117/03, 30/04, 177/04 and 92/05 hereinafter: "the PIA") and Article 101, paragraph 2 and Article 102, paragraph 1 of the Health Insurance Act (Official Gazette 94/01, 88/02, 149/02, 117/03, 30/04, 177/04 and 90/05; hereinafter: "the HIA), and punishable under Article 71 of the State Inspectorate Act (Official Gazette, nos 76/99, 96/03, 151/03, 160/04, 174/04, 33/05, 48/05, 129/05 and 140/05, hereinafter: "the SIA"). In the same period, it was also established that the employer of 1 minor worker registered this worker with the competent pension and health insurance authorities after the expiration of the statutory time limit of 15 days, which is punishable under Article 168 of the PIA and Article 127 of the HIA. Requests to institute misdemeanour proceedings were filed against employers and responsible persons in the competent misdemeanour courts on the grounds of reasonable suspicion that the employers had violated the aforesaid legal provisions governing sanctions for misdemeanour offences, and in 6 cases crime reports were filed against employers on the grounds of reasonable suspicion that they had committed the criminal offence of *violation of the right to work and other labour-related rights*, described and punishable under Article 114 of the Criminal Code (Official Gazette 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05 and 74/06; hereinafter: "the CC").

In the light of the above, we would like to note that the rulings issued by misdemeanour courts following the requests to institute misdemeanour proceedings filed against employers during 2005 reveal as follows:

- the competent courts imposed fines on employers in amounts ranging from HRK 400.00 to 2,000.00, on account of engaging minors in illegal night work,
- the competent courts imposed fines on employers in amounts ranging from HRK 400.00 to 1,000.00, on account of engaging minors in illegal overtime work,
- the courts imposed fines on employers in amounts ranging from HRK 300.00 to 8,000.00, on account of hiring minors, that is entering into an employment contract with them, without written approval from their legal representatives,
- in one case in which a request was filed to institute misdemeanour proceedings against an employer for hiring a minor, that is for entering into an employment contract with the minor, without written approval from his legal representative, the misdemeanour court issued a ruling to discontinue the proceedings for lack of evidence.
- in one case in which an employment contract was entered into with a minor without the approval of the minor's legal representative, the misdemeanour court issued a cautionary measure against the employer in the form of admonition,
- in one case involving illegal work of 2 minor girls, one of whom was younger than 15, the misdemeanour court issued a misdemeanour order against the employer imposing on him a fine of HRK 23,000.00 in total.

In the period between 1 January and 31 December 2005, in two inspections in which minors were found on the premises, **labour inspectors responsible for occupational safety and health** established that one minor working in the construction industry had suffered a minor bodily injury, that one employer allowed a minor worker to do, without supervision, a job for which he had not received training in safe work practices pursuant to the provisions of

Article 27 of the Occupational Safety and Health Act (Official Gazette 59/96, 94/96, 114/03 and 100/04; hereinafter: "the OSHA"), that two employers assigned minor workers to do jobs requiring special working conditions for which they did not meet the prescribed requirements, in contravention of Article 34 of the OSHA and punishable under Article 108, paragraphs 1 and 2 of the OSHA.

In the course of 2005, labour inspectors responsible for labour relations received 30 requests from legal representatives of persons younger than 15 seeking approval of their participation, for remuneration, in giving various artistic performances, and also in filming promotional videos, TV commercials, series, etc. Acting within their competencies, labour inspectors granted approvals for participation of 19 minors younger than 15 in these activities.

During 2006 labour inspectors responsible for labour relations carried out **48** supervisions during which they discovered **130** violations punishable according to the provisions of the LA, the SIA, the Aliens Act (Official Gazette 109/03 and 182/04, hereinafter: "the AA"), the PIA and the Compulsory Health Insurance Act (Official Gazette 85/06, 105/06 and 118/06, hereinafter: "the CHIA), relating to the work and employment of minors. Inspectional supervisions were carried out on the premises of employers engaged in the following activities: catering and tourism, commerce, industry (bakeries), construction and trades and crafts services.

The minors in question were engaged as waiters and assistant waiters (35 minors, 6 boys and 29 girls), cooks and assistant cooks (4 minors, 3 boys and 1 girl), a kitchen assistant (1 girl), bakers and assistant bakers (4 boys), sales assistants (5 minors, 1 boy and 4 girls), assistant construction workers (2 boys), timber sorters (2 boys), a porter (1 boy), One boy was engaged in newspaper sales and one in agricultural work, and some girls were found engaged in hairdressing, confectionery and serving food (1 in each of these activities).

In the same period, labour inspectors responsible for labour relations received 225 requests from legal representatives of persons younger than 15, seeking approval of their participation, for remuneration, in giving various artistic performances, and also in filming promotional videos, TV commercials, series, etc. Acting upon these requests, labour inspectors granted approval for participation of 217 minors younger than 15 in these activities.

Following the inspections carried out, the inspectors reasonably suspected that the following illegalities had been committed:

- concluding a fixed-term employment contract with a minor in the case that is not provided by the law or collective agreement, in contravention of Article 15 of the LA, punishable under Article 246, paragraph 1, item 3 and paragraphs 2 and 3 of the LA – 2 violations,
- concluding, with a minor, an employment contract that does not contain all the information required under Article 17 of the LA, punishable under Article 17 of the LA, punishable under Article 246, paragraph 1, item 5 and paragraphs 2 and 3 of the LA – 3 violations,
- hiring minors without written approval of their legal representatives (parents) in contravention of Article 22, paragraph 1 of the LA, punishable under Article 247, paragraph 1, item 1 and paragraphs 2 and 3 of the LA – 10 violations,
- not allowing minor workers to take a rest period, in the manner and under the conditions provided by the provisions of Article 44 of the LA, punishable under Article 247, paragraph 1, item 7 and paragraphs 2 and 3 of the LA – 2 violations,

- three employers did not allow minor workers to take a daily rest, in the manner and under the conditions provided by the provisions of Article 45 of the LA, punishable under Article 247, paragraph 1, item 8 and paragraphs 2 and 3 of the LA – 3 violations,
- not allowing minor workers to take a weekly rest, in the manner and under the conditions provided by the provisions of Article 46 of the LA, punishable under Article 247, paragraph 1, item 9 and paragraphs 2 and 3 of the LA – 8 violations,
- 14 cases of employment of minor workers to whom employers failed to give a written certificate about the conclusion of an employment contract before the work commenced, since these employment contracts had not been concluded in writing, in contravention of the provisions of Article 16, paragraph 3 of the LA, punishable under Article 248, paragraph 1, item 1 and paragraphs 2 and 3 of the LA,
- hiring persons younger than 15, which is in contravention of the provisions of Article 21, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 4 and paragraphs 2 and 3 of the LA – 4 violations,
- two employers hired minor workers in jobs which could threaten their health, morals or development, in contravention of the provisions of Article 23, paragraph 1 of the LA in conjunction with Article 3 of the Ordinance on jobs prohibited to minors and on jobs which minors may do only after having been declared medically fit (Official Gazette 59/02), punishable under Article 248, paragraph 1, item 6 and paragraphs 2 and 3 of the LA; during supervisory inspections it was discovered that a minor girl was working for one employer as a waitress in a disco club, and a minor boy was working for another employer (pizzeria – night club) as a pizza chef,
- five employers required minor workers to work in excess of full-time working hours longer than the maximum number of hours permitted by law for such work, in contravention of the provisions of Article 41, paragraph 1 of the LA, punishable under Article 248, paragraph 1, item 13 and paragraphs 2 and 3 of the LA,
- seven employers failed to inform the labour inspector about overtime work of minor workers, in contravention of the provisions of Article 41, paragraph 2 of the LA and punishable under Article 248, paragraph 1, item 14 and paragraphs 2 and 3 of the LA,
- a total of twenty-six minors worked overtime, in contravention of the provisions of Article 41, paragraph 5 of the LA, punishable under Article 248, paragraph 1, item 17 and paragraphs 2 and 3 of the LA – 21 violations,
- thirty-two minors, employed at twenty-six undertakings, worked night hours, i.e. between the hours of 7 in the evening and 7 in the morning of the next day (in industry) or between the hours of 8 in the evening and 6 in the morning of the next day (outside industry), contrary to the provisions of Article 62 of the LA, punishable under Article 248, paragraph 1, item 27 and paragraphs 1 and 2 of the LA,
- four employers failed to give a minor worker, when paying a salary, a payroll account showing how the amount of the salary was calculated, which was in contravention of the provisions of Article 91, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 41 and paragraphs 2 and 3 of the LA,
- two employers failed to give minor workers a payroll account of the salary arrears, in contravention of the provisions of Article 91, paragraph 2 of the LA and punishable under Article 248, paragraph 1, item 42 and paragraphs 2 and 3 of the LA,
- one employer failed to return to the minor worker, after the termination of his employment, all of his documents and a copy of the notice on cancellation of his insurance status in the compulsory pension and health insurance scheme, in contravention of the provisions of Article 129 of the LA and punishable under Article 248, paragraph 1, item 44 and paragraphs 2 and 3 of the LA,

- one employer refused to return the employment book to a minor worker after the termination of his employment, which was in contravention of Article 243, paragraph 3 of the LA and punishable under Article 248, paragraph 1, item 49 and paragraphs 2 and 3 of the LA,
- the employers of nine minor workers failed to register them for compulsory pension and health insurance, or failed to register them beginning on the day when they began to work, which was contrary to the provisions of Article 4 of the SIA and punishable under Article 71, paragraphs 1 and 2 of the SIA,
- one employer registered a minor worker with competent pension and health insurance authorities after the expiration of the statutory time limit of 15 days,
- the employment of two minor workers – foreign nationals by natural persons, in contravention of Article 85, paragraph 1 of the AA, or without a work permit allowing them to work in the Republic of Croatia, which is punishable under Article 107, paragraph 1, item 1 of the AA (for the natural person) and under Article 103, paragraph 1, item 8 of the AA, for the foreigner.

On the basis of the above findings, requests to institute misdemeanour proceedings were filed against employers and responsible persons in the competent misdemeanour courts on the grounds of reasonable suspicion that they had violated the aforesaid legal provisions governing sanctions for misdemeanour offences.

Apart from filing requests to initiate misdemeanour proceedings against the employers and persons responsible, the labour inspectors responsible for labour relations also issued decisions in the cases of the illegal, overtime and night work of minors (these illegalities were found during on-site inspections), forbidding the employers to give overtime and night work to minors.

We also wish to state that in 2006 a total of 31 decisions were issued in this connection. In one case an employer was prohibited from employing a minor under the age of 15 (the minor assisting in a bakery), pursuant to the provision of Article 21, paragraph 1 of the LA. In two cases foreign minors were banned from working, pursuant to Article 101 of the AA, and pursuant to Article 62 of the SIA, verbal cautions were issued and recorded in the case of four employers, whose businesses were temporarily closed down for a period of thirty days. This was because in two cases it was established that during supervision, minors had been doing jobs which, given the scope and type of the work involved and the authority of the employer, had the characteristics of jobs for which an employment relationship would normally be established, yet the employers had not registered the minors for compulsory pension or health insurance beginning on the first day of their employment. Two other employers employed foreign minors illegally (without work permits).

Other bodies of state administration were notified about possible illegalities falling within their competencies. In particular, the Ministry of the Interior was notified about 4 cases of illegal employment of minors, the Tax Administration of the Ministry of Finance was notified in 14 cases, and in 19 cases the centres for social welfare with territorial jurisdiction were notified. In 12 cases the Ombudsman for Children was informed and in one case the Croatian Employment Service. This was done in order to enable them to take the appropriate measures within their competencies.

In the light of the above, we would like to note that rulings issued by misdemeanour courts following requests to institute misdemeanour proceedings filed against employers during 2006 reveal as follows:

- the competent courts imposed on employers fines in amounts ranging from HRK 1,000.00 to 5,000.00, on account of engaging minors in illegal night work,
- the competent courts imposed on employers fines in amounts ranging from HRK 300.00 to 6,000.00, on account of engaging minors in illegal overtime work,
- the courts imposed fines on employers in amounts ranging from HRK 500.00 to 6,000.00 on account of hiring minors, that is entering into an employment contract with them, without written approval from their legal representatives,
- in one case in which the employer was found to have hired a minor on a job that could threaten the minor's health, morals or development, the court imposed a fine on the employer amounting to HRK 3,000.00.

During 2006 labour inspectors of the State Inspectorate **responsible for occupational safety and health** discovered 2 minors engaged in jobs requiring special conditions (electrical installation and kitchen work), in contravention of the provisions of Article 34, paragraph 2 of the OSHA. The inspectors also discovered that one employer had put a minor to work during the night shift at a bakery, in contravention of the provisions of Article 40 of the OSHA.

Furthermore, labour inspectors responsible for occupational safety and health carried out supervisory inspections following four serious injuries sustained by minors during practical work experience. Of these, one boy training to be a butcher was injured during practical work experience in the butcher's shop (sector: commerce), and one boy training in the area of the production of electrical energy and two girls working in a chemical laboratory were injured (sector: education).

In the same year, labour inspectors responsible for occupational safety and health carried out supervisory inspections following minor injuries sustained by a boy working in a bakery during the night shift, and by two minor pupils on practical work experience, one at a car mechanic's garage (sector: manufacturing) and another working with a circular saw in the construction industry (sector: construction).

On the basis of the facts established, the labour inspectors responsible for occupational safety and health issued 6 decisions ordering the employers, pursuant to the provision of Article 59 of the SIA, to remove the minors from jobs requiring special conditions (Article 34 of the OSHA), to ensure that minors who were not provided with adequate safety training would only work under the supervision of employees with the appropriate safety training (Article 27 of the OSHA), to prevent practical work experience from being carried out without the direct supervision of employees with adequate safety training (Article 27 of the OSHA), to ban the use of faulty work equipment (Article 43 of the OSHA) and to remove minors from night shifts. Twelve requests for the initiation of misdemeanour proceedings against employers and responsible persons were lodged in the competent misdemeanour courts on the grounds of violations described in Articles 18, 27, 34, 40, 42, 43, 44, 52 and 62 of the OSHA, punishable according to Articles 108, 109 and 110 of the OSHA. In addition, four crime reports were filed with the competent public prosecution offices.

The Ordinance on jobs requiring special working conditions (Official Gazette 5/84) regulates that these jobs may not be done by persons under 18 years of age. When a person younger than 18 is receiving education for occupations involving work on jobs which are, pursuant to the provisions of the aforesaid Ordinance, defined as jobs requiring special working

conditions, for which workers must meet specific requirements (age, sex, professional qualifications, health, psychological and physical capacities) the inspector, while carrying out inspectional supervision, shall check whether the pupil has the required psychological and physical capacities for this work, on the basis of a medical report issued by an occupational medicine clinic, and whether he or she works under the supervision of a person who has received adequate training.

In 2007 labour inspectors responsible for labour relations carried out **55** supervisions, during which they discovered a total of **163** violations of penalty provisions of the LA, the SIA, the AA, the PIA and the CHIA, relating to the work and employment of minors. Most illegalities involving minors were discovered in the catering industry, but violations of labour and employment regulations committed against minors were also found in other economic activities (commerce, tourism, industry, construction, utility services, and trades and crafts services).

In the same period, labour inspectors responsible for labour relations received 251 requests from legal representatives of persons younger than 15 seeking approval for their participation, for remuneration, in giving various artistic performances, and also in filming promotional videos, TV commercials, series, etc. Acting upon these requests, labour inspectors granted approval for participation of 221 minors younger than 15 in these activities – in the manner, within the scope and on jobs that did not threaten their health, morals, schooling or development.

Following the inspections carried out, the inspectors reasonably suspected that the following illegalities had been committed:

- concluding a fixed-term employment contract with a minor in the case that is not provided by the law or collective agreement, in contravention of Article 15 of the LA, punishable under Article 246, paragraph 1, item 3 and paragraphs 2 and 3 of the LA – 1 violation,
- concluding, with a minor, an employment contract that does not contain all the information required under Article 17 of the LA, punishable under Article 246, paragraph 1, item 5 and paragraphs 2 and 3 of the LA – 1 violation,
- hiring minors (31 altogether) without written approval of their legal representatives (parents), which is contrary to Article 22, paragraph 1 of the LA and punishable under Article 247, paragraph 1, item 1 and paragraphs 2 and 3 of the LA – 16 violations,
- not allowing a minor worker to take a rest period, in the manner and under the conditions provided by the provisions of Article 44 of the LA, punishable under Article 247, paragraph 1, item 7 and paragraphs 2 and 3 of the LA – 1 violation,
- not allowing a minor worker to take a daily rest, in the manner and under the conditions provided by the provisions of Article 45 of the LA, punishable under Article 247, paragraph 1, item 8 and paragraphs 2 and 3 of the LA – 2 violations,
- not allowing minor workers to take a weekly rest, in the manner and under the conditions provided by the provisions of Article 46 of the LA, punishable under Article 247, paragraph 1, item 9 and paragraphs 2 and 3 of the LA – 6 violations,
- one employer failed to prepare an annual leave schedule for a minor worker in compliance with the provisions of the LA – 1 violation,
- failing to provide minor workers (55 of them) with a written certificate about the conclusion of an employment contract, before they started to work, which the employers were obliged to do because the employment contracts had not been concluded in writing,

- in contravention of the provisions of Article 16, paragraph 3 of the LA and punishable under Article 248, paragraph 1, item 1 and paragraphs 2 and 3 of the LA – 22 violations,
- failing to provide a minor worker with a copy of the registration form for the compulsory pension and health insurance scheme within the 15 days of the conclusion of the employment contract, in contravention of the provisions of Article 16, paragraph 5 of the LA, punishable under Article 248, paragraph 1, item 1 and paragraphs 2 and 3 of the LA – 1 violation,
 - hiring a person under fifteen years of age, which was in contravention of the provisions of Article 21, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 4 and paragraphs 2 and 3 of the LA – 1 violation,
 - three persons younger than 15 participated, for remuneration, in film making, preparing and giving artistic, theatrical or other similar performances without the prior approval of a labour inspector in the manner, within the scope and on jobs that threatened their health, morals, schooling or development, in contravention of the provisions of Article 21, paragraph 2 of the LA and punishable under Article 248, paragraph 1, item 5 and paragraphs 2 and 3 of the LA – 2 violations,
 - eight employers engaged minors in jobs which could threaten their health, morals or development, in contravention of the provisions of Article 23, paragraph 1 of the LA, in conjunction with Articles 2, 3 and 4 of the Ordinance on jobs prohibited to minors and on jobs which minors may do only after having been declared medically fit (Official Gazette 59/02), punishable under Article 248, paragraph 1, item 6 and paragraphs 2 and 3 of the LA – 8 violations,
 - 4 employers required minor workers to work in excess of full-time working hours longer than the maximum number of hours permitted by law for such work, in contravention of the provisions of Article 41, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 13 and paragraphs 2 and 3 of the LA – 4 violations,,
 - a total of 15 minors worked overtime, in contravention of the provisions of Article 41, paragraph 5 of the LA and punishable under Article 248, paragraph 1, item 17 and paragraphs 2 and 3 of the LA – 10 violations,,
 - employers ordered minors (4 altogether) to work rescheduled full-time working hours, contrary to the provisions of Article 43, paragraph 7 of the LA and punishable under Article 248, paragraph 1, item 20 and paragraphs 2 and 3 of the LA – 2 violations,
 - 36 minors worked for a total of 25 employers at night, between the hours of 7 in the evening and 7 in the morning of the next day (in industry), and between the hours of 8 in the evening and 6 in the morning of the next day (outside industry), in contravention of the provisions of Article 62 of the LA and punishable under Article 248 paragraph 1 item 27 and paragraphs 2 and 3 of the LA – 25 violations,
 - an employer failed to give a minor worker a payroll account of the salary arrears, in contravention of the provisions of Article 91, paragraph 2 of the LA and punishable under Article 248, paragraph 1, item 42 and paragraphs 2 and 3 of the LA – 1 violation,
 - employers failed to register a total of 48 minor workers for compulsory pension and/or health insurance, or failed to register them beginning on the day when they began to work, in contravention of the provisions of Article 4 of the SIA and punishable under Article 71, paragraphs 1 and 2 of the SIA – 48 violations,
 - 2 employers registered minor workers with the competent pension insurance authority after the expiration of the statutory time limit of 15 days laid down by the provisions of Article 101, paragraphs 1 and 2 of the PIA, which is punishable under Article 168, paragraphs 1 and 2 of the PIA – 2 violations,
 - 2 employers registered minor workers with the competent health insurance authority after the expiration of the statutory time limit of 15 days laid down by the provisions of Article

110, paragraphs 2 of the CHIA, which is punishable under Article 133, paragraphs 1 and 2 of the CHIA – 2 violations,

- 2 employers hired three minor workers-foreign nationals without Croatian work permits, in contravention of Article 114, paragraph 1 of the AA, which is punishable under Article 207, paragraph 1, item 1 of the AA (for employers) and under Article 205, paragraph 1, item 1 of the AA (for foreigners) – 6 violations,
- one employer failed to provide the labour inspector with necessary information and documents relating to the work of minors, in contravention of the provisions of Articles 34 and 35 of the SIA and punishable under Article 65, paragraphs 1 and 2 of the SIA – 1 violation – 1 violation.

Apart from filing requests to initiate misdemeanour proceedings against the employers and persons responsible, the labour inspectors responsible for labour relations also issued decisions in the cases of the illegal, overtime and night work, forbidding the employers to give overtime and night work to minors.

Other bodies of state administration were notified about possible illegalities in terms of illegal employment of minors falling within their competencies that occurred in the given period, such as the Ministry of the Interior, the Tax Administration of the Ministry of Finance, the centres for social welfare with territorial jurisdiction, the Ombudsman for Children, and the Croatian Employment Service. This was done in order to enable them to take the appropriate measures within their competencies.

In the light of the above, we would like to note that rulings and misdemeanour orders issued by misdemeanour courts following requests to institute misdemeanour proceedings filed against employers during 2007 reveal as follows:

- the competent courts imposed fines on employers in amounts ranging from HRK 300.00 to 14,000.00, on account of engaging minors in illegal night work,
- the courts imposed fines on employers in amounts ranging from HRK 800.00 to 5,000.00 on account of hiring minors, that is entering into an employment contract with them, without written approval from their legal representatives,
- in one case in which the employer was found to have hired a minor on a job that could threaten the minor's health, morals or development, the court imposed a fine on the employer amounting to HRK 14,000.00.

In 2007, labour inspectors responsible for occupational safety and health, acting within their competence while supervising employers, discovered 6 violations of the OSHA's provisions relating to the work and conditions of work of minor workers and pupils on practical work experience.

Four minor workers were found working in jobs requiring special working conditions and, in particular, as a circular saw operator, assembling shelves at a height over 3 meters, a plumber and a baker. One minor was injured while performing work as a process operator and one on practical work experience at a car mechanic's garage.

On the basis of the facts established in the cases in question, the labour inspectors responsible for occupational safety and health issued 5 decisions ordering the employers to remove the minor workers from jobs for which they did not meet the prescribed conditions, and one decision ordering the rectification of the deficiencies found in connection with Article 44 of the OSHA.

Six requests for the initiation of misdemeanour proceedings against employers and responsible persons were lodged in the competent misdemeanour courts on the grounds of violations described in Articles 34, 40 and 44 of the OSHA, punishable under Articles 108 and 109 of the OSHA. We would like to point out that, in their first paragraphs, these Articles provide for a fine to be imposed on employers (natural persons and legal entities) in the amount ranging from HRK 10,000.00 to 40,000.00, whereas under paragraph 2 of these Articles the responsible person of the legal entity may be fined HRK 5,000.00 to 10,000.00. In the event of a repeated violation, as prescribed by paragraph 3, the employer and the responsible person of the offending legal person shall be imposed double the aforesaid fine

In 2007 one crime report was filed with the competent public prosecution office on the grounds of failure to apply occupational safety and health measures in connection with a severe injury suffered by a minor working with a hydraulic press.

In 2008 labour inspectors responsible for labour relations carried out **62** supervisions during which they discovered a total of **173** violations of penalty provisions of the LA, the old SIA, the new State Inspectorate Act (Official Gazette 116/08 and 123/08; hereinafter: "the new SIA"), which entered into force on 19 October 2008, the AA, the PIA and the CHIA, relating to the work and employment of minors. In one case they had a reasonable suspicion that a criminal offence referred to in Article 114 of the Criminal Code had been committed. Most illegalities involving minors were discovered in the catering industry, but violations of labour and employment regulations committed against minors were also found in other economic activities (commerce, tourism, industry, construction, utility services, and trades and crafts services).

The minors in question were engaged as waiters and assistant waiters (54 minors, 18 boys and 36 girls), cooks and assistant cooks (2 minors), a kitchen assistant (1 girl), sales assistants (15 minors, 5 boys and 10 girls), construction workers and assistant construction workers (6 boys), 3 boys were found to be collecting parking fees, 2 boys were cleaning vessels, 1 boy was doing auxiliary work in a sawmill, 1 girl was engaged as a kitchen assistant, 1 boy was engaged as an assistant sheet-metal worker, and 1 in the production of beverages.

In the same period, labour inspectors responsible for labour relations received **150** requests from legal representatives of persons younger than 15 seeking approval for their participation, for remuneration, in giving various artistic performances, and also in filming promotional videos, TV commercials, series, etc. Acting upon these requests, labour inspectors granted approvals for participation of **149** minors younger than 15 in these activities – in the manner, within the scope and on jobs that did not threaten their health, morals, schooling or development. One request was rejected on the ground of having been filed retroactively.

Following the inspections carried out, the inspectors reasonably suspected that the following illegalities had been committed:

- concluding a fixed-term employment contract with a minor in the case that is not provided for by the law or collective agreement, in contravention of Article 15 of the LA and punishable under Article 246, paragraph 1, item 3 and paragraphs 2 and 3 of the LA – 2 violations,
- concluding, with a minor, an employment contract that does not contain all the information required under Article 17 of the LA, punishable under Article 246, paragraph 1, item 5 and paragraphs 2 and 3 of the LA – 5 violations,

- hiring minors (a total of 21) without written approval of their legal representatives (parents), in contravention of Article 22, paragraph 1 of the LA and punishable under Article 247, paragraph 1, item 1 and paragraphs 2 and 3 of the LA – 20 violations,
- not allowing minor workers to take a daily rest in the manner and under the conditions laid down in the provisions of Article 45 of the LA, punishable under Article 247, paragraph 1, item 8 and paragraphs 2 and 3 of the LA – 7 violations,
- not allowing minor workers (11 in total) to take a weekly rest in the manner and under the conditions laid down in the provisions of Article 46 of the LA, punishable under Article 247, paragraph 1, item 9 and paragraphs 2 and 3 of the LA – 11 violations,
- one employer collected his claim against a minor worker by withholding a part of the minor's salary, without the minor's agreement, in contravention of Article 94, paragraph 1 of the LA and punishable under Article 247, paragraph 1, item 18 and paragraphs 2 and 3 of the LA – 1 violation,
- failing to provide minor workers (30 in total) with a written certificate about the conclusion of employment contract before the work commenced, in the cases when employment contracts were not concluded in writing, in contravention of the provisions of Article 16, paragraph 3 of the LA and punishable under Article 248, paragraph 1, item 1 and paragraphs 2 and 3 of the LA – 19 violations,
- failing to provide two minor workers with copies of the registration form for the compulsory pension and health insurance schemes within the 15 days of the conclusion of the employment contract, in contravention of the provisions of Article 16, paragraph 5 of the LA and punishable under Article 248, paragraph 1, item 1 and paragraphs 2 and 3 of the LA – 2 violations,
- hiring 2 minors under 15 years of age, which was in contravention of the provisions of Article 21, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 4 and paragraphs 2 and 3 of the LA – 2 violations,
According to labour inspector's reports, one of these minors (a 9-year-old) was selling souvenirs in the shop owned by his mother, and the other (a 14-year-old) was found doing auxiliary work in the construction industry (cleaning and maintaining equipment and tools at a temporary construction site where a water reservoir was being erected).
- one minor girl was found doing a job which could threaten her health, morals or development, in contravention of the provisions of Article 23, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 6 and paragraphs 2 and 3 of the LA – 1 violation,
During the supervisory procedure it was discovered that a minor girl (a 17-year old) was working as a waitress in a night bar. Since the provisions of Article 3 of the Ordinance on jobs prohibited to minors and on jobs which minors may do only after having been declared medically fit provide that, in order to protect the morals of minors, it is prohibited to employ minors in gambling houses, amusement arcades, disco clubs, night bars and night clubs, as well as in other jobs that might potentially threaten their morals, pursuant to Article 23, paragraphs 1, 2 and 5 of the LA, in conjunction with Article 4 of the aforesaid Ordinance, the employer in question was imposed a ban on employing the minor girl in his night bar, and a motion to indict was filed against the employer and the person responsible in the competent misdemeanour court.
- 2 employers required minor workers to work in excess of full-time working hours longer than the maximum number of hours permitted by law for such work, in contravention of the provisions of Article 41, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 13 and paragraphs 2 and 3 of the LA – 2 violations,
- failing to inform the labour inspector about overtime work of minor workers which lasted longer than 4 weeks without interruption, in contravention of the provisions of Article 41,

- paragraph 2 of the LA and punishable under Article 248, paragraph 1, item 14 and paragraphs 2 and 3 of the LA – 3 violations,
- a total of 34 minors worked overtime, in contravention of the provisions of Article 41, paragraph 5 of the LA and punishable under Article 248, paragraph 1, item 17 and paragraphs 2 and 3 of the LA – 21 violations,
 - employers ordered minor workers (10 altogether) to work rescheduled full-time working hours, in contravention of the provisions of Article 43, paragraph 7 of the LA and punishable under Article 248, paragraph 1, item 20 and paragraphs 2 and 3 of the LA – 3 violations,
 - 39 minors, employed at 33 undertakings, worked night hours, i.e. between the hours of 7 in the evening and 7 in the morning of the next day (in industry) or between the hours of 8 in the evening and 6 in the morning of the next day (outside industry), in contravention of the provisions of Article 62 of the LA and punishable under Article 248, paragraph 1, item 27 and paragraphs 2 and 3 of the LA – 33 violations,
 - employers of five minor workers failed to give them, when paying a salary, a payroll account showing how the amount of the salary had been calculated, in contravention of the provisions of Article 91, paragraph 2 of the LA and punishable under Article 248, paragraph 1, item 42 and paragraphs 2 and 3 of the LA – 5 violations,
 - employers of two minor workers failed to give them a payroll account of the salary arrears, in contravention of the provisions of Article 91, paragraph 2 of the LA and punishable under Article 248, paragraph 1, item 42 and paragraphs 2 and 3 of the LA – 2 violations,
 - employers of 21 minor workers failed to register them for compulsory pension and/or health insurance, or to register them beginning on the day when they began to work, which was contrary to the provisions of Article 4 of the SIA and punishable under Article 71, paragraphs 1 and 2 of the SIA or Article 66 of the new SIA – 21 violations,
 - employers of 2 minor workers registered them with the competent pension insurance authority after the expiration of the statutory time limit of 15 days laid down in the provisions of Article 101, paragraphs 1 and 2 of the PIA, punishable under Article 168, paragraphs 1 and 2 of the PIA – 2 violations,
 - 6 employers of minor workers registered them with the competent health insurance authority after the expiration of the statutory time limit of 15 days laid down in the provisions of Article 110, paragraph 2 of the CHIA, punishable under Article 133, paragraphs 1 and 2 of the CHIA – 6 violations,
 - 1 employer hired minor workers who were foreign nationals as assistant construction workers without a work permit allowing them to work in the Republic of Croatia, in contravention of Article 114, paragraph 1 of the AA and punishable under Article 207, paragraph 1, item 1 of the AA and under Article 205, paragraph 1, item 1 of the AA, for the alien – 2 violations,
- In response to a motion to indict filed against a minor alien, the Zagreb Misdemeanour Court found the alien guilty in question and issued a judicial caution against him as well as the protective measure of expulsion from the Republic of Croatia for a period of 3 months.*
- one employer failed to provide the labour inspector with necessary information and documents relating to the work of minors, in contravention of the provisions of Articles 34 and 35 of the SIA and punishable under Article 65, paragraphs 1 and 2 of the SIA – 1 violation,
 - one employer failed to comply with the labour inspector's decision prohibiting the employer from giving night work to a minor, in contravention of Article 61 of the SIA, punishable under Article 68, paragraphs 1 and 4 of the SIA – 1 violation,

- one employer failed to keep a proper record of salaries in relation to a minor, in contravention of Article 11, in conjunction with Article 12 of the Labour Records Act (Official Gazette 34/91 and 26/93; hereinafter: "the LRA"), punishable under Article 59 of that Act – 1 violation.

Apart from filing motions to indict against the employers and persons responsible, the labour inspectors issued decisions in the cases of the illegal, overtime (14) and night (23) work of minors, forbidding the employers to give overtime and night work to minors.

We would like to point out that 44 decisions were issued in 2008. In one case a decision was issued prohibiting the employer from employing a minor under the age of 15, pursuant to the provision of Article 21, paragraph 1 of the LA. In another case a minor worker who was a foreign national was banned from working pursuant to Article 101 of the AA. Pursuant to Article 62 of the old SIA, verbal cautions were issued and recorded in the case of four employers, whose businesses were temporarily closed down for a period of 30 days. This was because in these four cases it was established that during supervision, minors had been engaged in work which, according to the scope and type of work involved and the competence of the employer, was of a nature for which an employment relationship would normally be established, yet the employers failed to register them for compulsory pension or health insurance beginning on the first day of their employment. In relation to illegal work of a minor alien (found to be working without a work permit), the inspector issued a verbal order entered in the record under Article 199, paragraph 1, item 2 of the AA to close down the employer's business in the inspected facility or business premises for a period of 30 days.

Other bodies of state administration were notified about possible illegalities falling within their competencies. In particular, the Ministry of the Interior was notified about 3 cases of illegal employment of minors, in 20 cases the Tax Administration of the Ministry of Finance was notified, the centres for social welfare having territorial jurisdiction were notified in 28 cases, the Ombudsman for Children in 18 cases, and the Croatian Employment Service in two cases. This was done in order to enable them to take the appropriate measures within their competencies.

In the light of the above, we would like to note that rulings and misdemeanour orders issued by misdemeanour courts following motions to indict filed against employers during 2008 reveal as follows:

- the competent courts imposed fines on employers in amounts ranging from HRK 2,000.00 to 21,000.00, on account of engaging minors in illegal night work,
- the competent courts imposed fines on employers in amounts ranging from HRK 2,400.00 to 21,000.00, on account of engaging minors in illegal overtime work,
- the courts imposed fines on employers in amounts ranging from HRK 500.00 to 8,000.00 on account of hiring minors, that is entering into an employment contract with them, without written approval from their legal representatives,
- in one case in which the employer was found to have hired a minor on a job that could threaten the minor's health, morals or development, the court imposed a fine on the employer amounting to HRK 42,000.00 (in respect of the employer as a legal entity) and HRK 5,000.00 (in respect of the responsible person in the legal entity).

In 2008 labour inspectors responsible for occupational safety and health, while carrying out supervision, discovered violations of occupational safety and health regulations, committed against minor workers or minor apprentices in the following situations (i.e. at 10

undertakings reasonable suspicion was found to exist that the following illegalities had been committed):

- Seven employers were found to have engaged nine (9) minor workers in jobs requiring special working conditions, in contravention of the provisions of Articles 34 and 40 of the OSHA, which is punishable pursuant to the provisions of Article 108, paragraph 1, item 17 and paragraph 2, and Article 109, paragraph 1, item 2 and paragraph 2 of the OSHA. In particular:
 - one (1) worker was hired as a sales assistant in the paint section, in other words, to do a job requiring special working conditions pursuant to the provisions of Article 3, paragraph 1, item 18 of the Ordinance on jobs requiring special working conditions (Official Gazette 5/84; hereinafter: "the Ordinance"),
 - one (1) worker was hired as an electrician, that is, on a job requiring special working conditions pursuant to the provisions of Article 3, paragraph 1, items 10 and 17 of the Ordinance,
 - five (5) workers were hired as assistant construction workers carrying out work at height, that is, on a job requiring special working conditions pursuant to the provisions of Article 3, paragraph 1, item 17 of the Ordinance,
 - one (1) worker was hired for laying concrete, installing board forms and casting manhole covers, that is, on jobs requiring special working conditions pursuant to the provisions of Article 3, paragraph 1, item 16 of the Ordinance.
- One (1) minor apprentice training to be a locksmith was seriously injured while working for his employer, because the employer allowed him, in contravention of the provisions of Article 40 of the OSHA, to work, without supervision, on making metal pressings at a 25-ton eccentric press, that is, on a job requiring special working conditions pursuant to the provisions of Article 3, paragraph 1, item 1 of the Ordinance, which is punishable under Article 109, paragraph 1, item 2 and paragraph 2 of the OSHA. The employer failed to ensure for the apprentice to make metal pressings in a safe way and under the supervision of an expert person, within the meaning of Article 44, paragraph 2 of the OSHA, thus committing a violation punishable under the provisions of Article 109, paragraph 1, item 9 and paragraph 2 of the OSHA.
- One (1) minor worker was seriously injured while working for an employer, after the employer had assigned him to a job without having trained him in safe work practices. In the same case it was established that the worker was not provided with personal protective equipment, which is punishable under the provisions of Article 108, paragraph 1, item 11 and paragraph 2, and Article 109, paragraph 1, item 6 and paragraph 2 of the OSHA. The minor worker was engaged in operating cargo carriages on an internal railway and sustained injuries while carrying out this work because the employer allowed him to do, without supervision, a job for which he had not received training in safe work practices pursuant to the provisions of Article 27 of the OSHA. Moreover, the employer failed to provide the minor with the required personal protective equipment pursuant to the provision of Article 43 of the OSHA.
- One (1) minor pupil on practical work experience sustained a minor injury while working for an employer, because the worker under whose supervision the minor was working failed to ensure that the minor works in the proper manner, which is punishable under the provisions of Article 109, paragraph 1, item 9 and paragraph 2 of the OSHA. The minor was doing practical work experience by manually removing the film from a liver with a

knife and sustained a minor injury while doing this, because the worker under whose supervision the pupil was working failed to ensure that the pupil carries out work in a safe manner, in conformity with Article 44, paragraph 2 of the OSHA.

On the basis of the facts established in the aforesaid cases, the labour inspectors responsible for occupational safety and health issued 9 decisions, pursuant to the provisions of Article 59 of the SIA and Article 102, paragraph 3 of the OSHA, ordering the employers to remove the minors from jobs requiring special working conditions for which they had not met the prescribed requirements.

Ten motions to indict were filed against employers and responsible persons in respect of a total of 15 violations on the basis of reasonable suspicion that they had committed offences described and punishable under Articles 108 and 109 of the OSHA. In particular, they related to violations defined in Article 108, paragraph 1, items 11 and 17 and paragraph 2, and Article 109, paragraph 1, items 2, 6 and 9 and paragraph 2 of the OSHA, in conjunction with Articles 27, 34, 40, 43 and 44 of the OSHA. In addition, one crime report was filed.

In 2009 labour inspectors responsible for labour relations carried out **68** supervisions during which they discovered a total of **153** violations of penalty provisions of the LA, the old SIA, the new SIA, the AA, the PIA and the CHIA, committed in respect of **73** minors and relating to the work and employment of minors. In one case they had a reasonable suspicion that a criminal offence referred to in Article 114 of the Criminal Code had been committed. Most illegalities involving minors were discovered in the catering industry, but violations of labour and employment regulations committed against minors were also found in other economic activities (commerce, tourism, industry, construction, utility services, and trades and crafts services).

The minors in question were engaged as waiters and assistant waiters (52 minors, 20 boys and 32 girls), cooks and assistant cooks (6 minors, 2 boys and 4 girls), sales assistants (1 girl), construction workers and assistant construction workers (4 boys), assistant hairdressers (1 girl), collecting parking fees (2 boys), bakers and assistant bakers (3 minors, 1 boy and 2 girls), seasonal work in agriculture (1 boy), charging fees for an inflatable bouncer in an amusement park (1 girl), tying a boat (1 boy) and cleaning (1 boy).

In the same period, labour inspectors responsible for labour relations received **149** requests from legal representatives of persons younger than 15 seeking approval for their participation, for remuneration, in giving various artistic performances, and also in filming promotional videos, TV commercials, series, etc. Acting upon these requests, labour inspectors granted approvals for participation of **143** minors younger than 15 in these activities – in the manner, within the scope and on jobs that did not threaten their health, morals, schooling or development. One request was rejected on the ground of having been filed retroactively, in two cases proceedings were discontinued because the minors' legal representatives had withdrawn their requests, and three cases were dismissed on the grounds of being filed for minors older than 15.

Following the inspections carried out, the inspectors reasonably suspected that the following illegalities had been committed:

- concluding a fixed-term employment contract with a minor in the case that is not provided for by the law or collective agreement, in contravention of Article 15 of the LA and

punishable under Article 246, paragraph 1, item 3 and paragraphs 2 and 3 of the LA – 1 violation,

- concluding, with a minor, an employment contract that does not contain all the information required under Article 17 of the LA, punishable under Article 246, paragraph 1, item 5 and paragraphs 2 and 3 of the LA – 3 violations,
- hiring minors without written approval of their legal representatives (parents), in contravention of Article 22, paragraph 1 of the LA and punishable under Article 247, paragraph 1, item 1 and paragraphs 2 and 3 of the LA – 17 violations,
- not allowing minor workers to take a break in the manner and under the conditions laid down in the provisions of Article 44 of the LA, punishable under Article 247, paragraph 1, item 7 and paragraphs 2 and 3 of the LA – 1 violation,
- not allowing minor workers to take a daily rest in the manner and under the conditions laid down in the provisions of Article 45 of the LA, punishable under Article 247, paragraph 1, item 8 and paragraphs 2 and 3 of the LA – 4 violations,
- not allowing minor workers to take a weekly rest in the manner and under the conditions laid down in the provisions of Article 46 of the LA, punishable under Article 247, paragraph 1, item 9 and paragraphs 2 and 3 of the LA – 9 violations,
- one employer collected his claim against a minor worker by withholding a part of the minor's salary, without the minor's agreement, in contravention of Article 94, paragraph 1 of the LA and punishable under Article 247, paragraph 1, item 18 and paragraphs 2 and 3 of the LA – 1 violation,
- failing to provide minor workers with a written certificate about the conclusion of employment contract before the work commenced, in the cases when employment contracts were not concluded in writing, in contravention of the provisions of Article 16, paragraph 3 of the LA and punishable under Article 248, paragraph 1, item 1 and paragraphs 2 and 3 of the LA – 19 violations,
- hiring 4 minors under 15 years of age, which was in contravention of the provisions of Article 21, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 4 and paragraphs 2 and 3 of the LA – 4 violations,
According to labour inspector's reports, one minor girl (a 14.5-year-old) was working as a waitress in a catering establishment, one minor girl (a 11-year-old) was charging fees for an inflatable bouncer in an amusement park, and two minor boys (a 13-year-old and a 14.5-year-old) were collecting parking fees and leasing sporting equipment, respectively.
- one minor girl was found doing a job which could threaten her health, morals or development, in contravention of the provisions of Article 23, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 6 and paragraphs 2 and 3 of the LA – 1 violation,
During the supervisory procedure it was discovered that a minor girl (a 17-year-old) was working as a waitress in a night bar. Since the provisions of Article 3 of the Ordinance on jobs prohibited to minors and on jobs which minors may do only after having been declared medically fit provide that, in order to protect the morals of minors, it is prohibited to employ minors in gambling houses, amusement arcades, disco clubs, night bars and night clubs, as well as in other jobs that might potentially threaten their morals, pursuant to Article 23, paragraphs 1, 2 and 5 of the LA, in conjunction with Article 4 of the aforesaid Ordinance, the employer in question was imposed a ban on employing the minor girl in his night bar, and a motion to indict was filed against the employer and the person responsible in the competent misdemeanour court.
- 2 employers required minor workers to work in excess of full-time working hours longer than the maximum number of hours permitted by law for such work, in contravention of

- the provisions of Article 41, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 13 and paragraphs 2 and 3 of the LA – 2 violations,
- a total of 14 minors worked overtime, in contravention of the provisions of Article 41, paragraph 5 of the LA and punishable under Article 248, paragraph 1, item 17 and paragraphs 2 and 3 of the LA – 13 violations,
 - one employer ordered a minor worker to work rescheduled full-time working hours, in contravention of the provisions of Article 43, paragraph 7 of the LA and punishable under Article 248, paragraph 1, item 20 and paragraphs 2 and 3 of the LA – 1 violation,
 - 42 minors, employed at 39 undertakings, worked night hours, i.e. between the hours of 7 in the evening and 7 in the morning of the next day (in industry) or between the hours of 8 in the evening and 6 in the morning of the next day (outside industry), in contravention of the provisions of Article 62 of the LA and punishable under Article 248, paragraph 1, item 27 and paragraphs 2 and 3 of the LA – 39 violations,
 - the employer of one minor worker failed to give him, when paying a salary, a payroll account showing how the amount of the salary had been calculated, in contravention of the provisions of Article 91, paragraph 2 of the LA and punishable under Article 248, paragraph 1, item 41 and paragraphs 2 and 3 of the LA – 1 violation,
 - the employer of one minor worker failed to give him a payroll account of the salary arrears, in contravention of the provisions of Article 91, paragraph 2 of the LA and punishable under Article 248, paragraph 1, item 42 and paragraphs 2 and 3 of the LA – 1 violation,
 - the employer of one minor worker failed to give him reasons for dismissal in the form of a written notice of dismissal, in contravention of the provisions of Article 118, paragraphs 2 and 3 of the LA and punishable under Article 248, paragraph 1, item 43 and paragraphs 2 and 3 of the LA – 1 violation,
 - the employer of one minor worker failed to return to him, after the termination of his employment, all of his documents and copies of the notices on cancellation of his insurance status in the compulsory pension and health insurance schemes, in contravention of the provisions of Article 129, paragraph 1 of the LA and punishable under Article 248, paragraph 1, item 44 and paragraphs 2 and 3 of the LA – 1 violation,
 - the employer of one minor worker refused to return the employment book to him when obliged to do so, in contravention of Article 243, paragraphs 3 and 4 of the LA and punishable under Article 248, paragraph 1, item 49 and paragraphs 2 and 3 of the LA – 1 violation,
 - two employers failed to enable the labour inspector to carry out supervision by providing necessary information and documents relating to the work of minors, in contravention of the provisions of Article 30 of the SIA and punishable under Article 61, paragraphs 1 and 2 of the SIA – 2 violations,
 - one employer failed to execute an enforceable decision rendered by the inspector pursuant to the SIA or other law, in contravention of the provisions of Article 44 of the SIA and punishable under Article 64, paragraphs 1 and 2 of the SIA – 1 violation,
 - the employers of 21 minor workers failed to register them for compulsory pension and/or health insurance, or to register them beginning on the day when they began to work, which was contrary to the provisions of Article 4 of the SIA and punishable under Article 66 of the SIA – 21 violations,
 - three employers registered minor workers with the competent pension insurance authority after the expiration of the statutory time limit of 15 days laid down in the provisions of Article 101, paragraphs 1 and 2 of the PIA, which is punishable under Article 168, paragraphs 1 and 2 of the PIA – 3 violations,

- four employers registered minor workers with the competent health insurance authority after the expiration of the statutory time limit of 15 days laid down in the provisions of Article 104, paragraph 2 of the CHIA, which is punishable under Article 126, paragraphs 1, 2 and 3 of the CHIA – 4 violations,
- one employer failed to pay the minimum wage to a minor worker within the prescribed time limit in the amount laid down in the provisions of the Minimum Wage Act (Official Gazette 67/08), in contravention of the provisions of Article 3 of the said Act and punishable under Article 7, paragraphs 1, 2 and 3 of the same Act – 1 violation,
- one employer failed to keep a proper record of salaries in relation to a minor, in contravention of Article 11, in conjunction with Article 12 of the LRA and punishable under Article 57 of that Act – 1 violation.

Apart from filing motions to indict against the employers and persons responsible, the labour inspectors responsible for labour relations also issued decisions in the cases of the illegal, overtime (10) and night (32) work of minors, forbidding the employers to give such work to minors.

We would like to point out that 50 decisions were issued in 2009. In one case a decision was rendered pursuant to Article 23, paragraph 5 of the LA prohibiting the employer from employing a minor in a job that could threaten his health, morals or development. Pursuant to the provisions of Article 58 of the new SIA, verbal cautions were issued and recorded in the case of six employers, whose businesses were temporarily closed down until the established irregularities have been removed, for a limited period of time of a minimum of 30 days. This was because in these six cases it was established that minors had been engaged in work which, according to the scope and type of work involved and the competence of the employer, was of a nature for which an employment relationship would normally be established, yet the employers failed to register them for compulsory pension and health insurance beginning on the first day of their employment.

Other bodies of state administration were notified about possible illegalities falling within their competencies. In particular, the Ministry of the Interior was notified about 11 cases of illegal employment of minors, the Tax Administration of the Ministry of Finance about 26 cases, the centres for social welfare having territorial jurisdiction were notified in 38 cases, the Ombudsman for Children in 25 cases, and the Croatian Employment Service in two cases. This was done in order to enable them to take the appropriate measures within their competencies.

In the light of the above, we would like to note that rulings and misdemeanour orders issued by misdemeanour courts following motions to indict filed against employers during 2009 reveal as follows:

- the competent courts imposed fines on employers in amounts ranging from HRK 2,350.00 to 5,000.00, on account of engaging minors in illegal night work,
- the competent courts imposed fines on employers in amounts ranging from HRK 2,350.00 to 4,800.00, on account of engaging minors in illegal overtime work,
- the courts imposed fines on employers in amounts ranging from HRK 800.00 to 20,000.00 on account of hiring minors, that is entering into an employment contract with them without written approval from their legal representatives.

In 2009, labour inspectors responsible for occupational safety and health, while carrying out supervision, discovered violations of occupational safety and health regulations (at 4

undertakings) committed against minor workers or minor apprentices in the following situations:

1. One employer was found to have engaged two (2) minor workers in jobs requiring special conditions, in contravention of the provisions of Article 40 of the OSHA.
2. One (1) minor apprentice was seriously injured while on practical apprenticeship at an undertaking, because the employer allowed him, in contravention of the provisions of Article 27 of the OSHA, to perform locksmith work without supervision.
3. One (1) minor apprentice died while on practical apprenticeship at an undertaking, because the employer had failed to ensure the performance of work in conformity with occupational safety and health rules, which is in contravention of the provisions of Article 55 of the OSHA, that is, he had failed to protect the worker from falling down.
4. Two (2) minor workers sustained minor injuries while working for two employers. One of them was operating a circular saw and the other was working as an assistant bricklayer.

On the basis of the facts established in the aforesaid cases, the labour inspectors responsible for occupational safety and health issued 3 decisions, pursuant to the provisions of Article 102 of the OSHA, ordering the employers to remove the minors from jobs for which they had not met the prescribed requirements.

Four motions to indict were filed against employers and responsible persons in respect of a total of 6 violations on the basis of reasonable suspicion that they had committed offences described and punishable under Articles 108 and 109 of the OSHA. One crime report was also filed.

Paragraph 3 – Prohibition of employment of children subject to compulsory education

Article 7, paragraph 2 of the new Ordinance on jobs that may be done by minors and activities in which minors may participate prescribes that the total duration of the activities, daily and weekly duration of the activities, and rest periods taken during these activities by persons under fifteen years of age, aged fifteen or between the ages of fifteen and eighteen, who attend compulsory elementary education, may not be such as to threaten their health, morals, schooling or development and may not be less favourable than the rights laid down in the provisions of labour regulations governing working hours, breaks, daily and weekly rest in respect of minors.

Namely, under the new Labour Act, i.e. its Article 46, paragraph 1, the working hours schedules are to be primarily governed by regulations, collective agreements, agreements between works councils and employers or employment contracts, and only alternatively, that is, if this matter is not regulated by any of the aforesaid sources of law, it is to be determined by the employer in a written decision.

Question by the Committee

An important positive development in protecting the rights and interests of minor pupils attending regular education was the adoption of the new **Ordinance on carrying out employment mediation activities** (Official Gazette 39/09), which entered into force on 8 April 2009, as this Ordinance has introduced some important novelties in the area of

occasional work of regular pupils. This Ordinance lays down the requirements a secondary education institution must meet to be able to provide mediation services for occasional work of regular pupils, as well as the conditions under which regular pupils may work on an occasional basis during winter, spring or summer break. In contrast to the previous Ordinance on carrying out employment mediation activities outside the Croatian Employment Service (Official Gazette 96/02 and 159/04), the new Ordinance establishes, amongst other things, the conditions under which minor pupils in regular education may work under contracts of occasional employment of regular pupils. It establishes, in particular, that full-time working hours of a minor pupil may not be longer than 7 hours a day or 35 hours a week. It is only by way of exception that working hours of a minor pupil in regular education, who has attained 15 years of age, may be eight hours a day or 40 hours a week. A minor pupil in regular education who works more than 4 hours and 30 minutes a day is entitled to a recess (break) of at least 30 minutes. Such a pupil is also entitled to a daily rest of at least 14 hours without interruption between two consecutive working days, as well as a weekly rest of at least 48 hours without interruption. Moreover, the provisions of this Ordinance prohibit minor pupils from working in the period from 8 in the evening to 6 in the morning. If, during the inspectional supervision, the labour inspector establishes that a minor pupil in regular education has been working in contravention of the provisions of Articles 15, 21, 22, 23, 24, 25 and 26 of the Ordinance, he or she shall prohibit such a pupil from working. An appeal against the inspector's decision shall not postpone its enforcement. However, the legislator did not provide for misdemeanour liability of those who commit violations of these provisions.

Paragraph 4 – Length of working time

Question by the Committee

See the answer to the Committee's question concerning paragraph 3.

Paragraph 5 – Fair pay

The provisions of the **Elementary Education Act** mentioned in the previous report have not changed in relation to the period covered by this report, nor have the provisions of the Secondary Education Act that are relevant to this matter.

Question by the Committee

In May 2007, the Volunteering Act entered into force in the Republic of Croatia, determining the basic concepts, principles and conditions of volunteering, the rights and obligations of volunteers and organisers of volunteering activities, the requirements for concluding volunteer contracts, the adoption of the Volunteer Code of Ethics, certificates awarded for volunteering, the state award for volunteering, and supervision of the implementation of the Act.

In particular, volunteering is understood to be the voluntary investment of time, effort, knowledge and skills, through which services or activities for the welfare of others or the

common good are performed in the manner envisaged in the Act, without claiming remuneration or other forms of material gain.

Volunteering is not considered to include:

- the voluntary performance of services or activities which are contrary to the Constitution of the Republic of Croatia, other regulations of the Republic of Croatia, or obligations under international law,
- the performance of services or activities conditional upon payment of or claim for financial reward or other material gain, which are carried out without contracting employment, as stipulated in the Labour Act,
- the performance of jobs which, given the character and type of the work involved and the authority of the employer, have the characteristics of jobs for which employment should be contracted in accordance with the Labour Act,
- vocational training without an employment contract (volunteering) stipulated by the Labour Act or other regulations,
- the performance of services or activities which one contracting party is obliged to provide for another contracting party, on the basis of a contract, apart from volunteering contracts,
- the performance of services or activities which one person is obliged to provide for another person, on the basis of the law or other regulations
- the fulfilment of special obligations in accordance with court decisions and judgments,
- the performance of services or activities which are normal in family, friendly or neighbourly relationships.

It is essential to point out that Article 12 of the Volunteering Act prescribes that minors over the age of 15 and older minors may enter into volunteering contracts and perform volunteering activities only with the written consent of their legal representative and that they enjoy all the rights of volunteers stipulated in the Volunteering Act.

Volunteers who are minors may volunteer exclusively for activities which are appropriate to their age, physical, mental and moral level of development, and skills, and which do not represent a risk to their health, development or ability to fulfil their educational obligations, and their volunteering must be carried out under compulsory supervision and with the support of the organisers of volunteering activities, beneficiaries of volunteering activities, legal representatives of minor volunteers and other adult persons. The organiser of a volunteering activity must pay special attention to protecting the welfare, health and morals of minor volunteers, and minor volunteers must not be exposed to volunteering activities outside the Republic of Croatia without the consent of their legal representative, and without being accompanied by their legal representative or the organiser of a volunteering activity. Nor should they be exposed to long periods of volunteering activities, or volunteering activities involving great physical efforts or risks which endanger or may endanger their lives, health, morals, development or ability to fulfil their educational obligations.

Minors under the age of 15 may be included in educational volunteering activities which are directed towards the public good and education about volunteering, and then only for the purpose of educating them in such a way as to contribute to their development and socialisation, on condition that the organiser of the volunteering activity is an educational institution, a social welfare institution, or another legal body which organises volunteering activities for educational purposes, in agreement with the competent state administration bodies, education institutions or social welfare institutions.

In such cases, the organiser of a volunteering activity must gain the written consent of the legal representative of the minor volunteer. However, minor volunteers are prohibited from carrying out volunteering activities between 20:00 and 6:00 during the week, when they have educational obligations, and between 23:00 and 6:00 at the weekend, or during school holidays. Minor volunteers may stop carrying out volunteering activities at any time, without the consent of their legal representatives.

Apprenticeship

An apprenticeship contract is entered into by the craftsman and the apprentice, or his or her parent or guardian. The contents of the contract arise from the Provisions on the Minimum Conditions for Apprenticeship Contracts, which are prescribed by the minister responsible for the economy, labour and entrepreneurship.

The contract regulates the mutual rights, obligations and responsibilities of the craftsman and the apprentice during the duration of the apprenticeship programme for a particular occupation, and in particular, regulates:

- the start and duration of the apprenticeship
- the apprentice's work hours in the workshop, or on the work site
- the length and schedule of the apprentice's breaks
- the material rewards for the period of apprenticeship
- the obligations of the craftsman in terms of implementing a teaching curriculum.

An apprenticeship contract is drawn up in four identical copies, of which one is given to the apprentice (or parent or guardian), one to the craftsman (the company), one to the school and one to the regional Chamber of Trades and Crafts.

The contract is verified by the Croatian Chamber of Trades and Crafts – the regional Chamber of Trades and Crafts and is one of the documents required when enrolling in a vocational secondary school.

The apprenticeship contract becomes legally valid after a trial period of one month from the first day of the apprenticeship. The contract cannot be cancelled without a valid reason. If the apprenticeship contract cannot be cancelled to the mutual satisfaction of both parties, a decision may be rendered upon application by the interested party to the Croatian Chamber of Trades and Crafts.

The rights of the apprentice during apprenticeship

According to the provisions of the apprenticeship contract, the apprentice has the right to:

- Instruction in performing independently tasks involved in the occupation offered by the master craftsman/expert teacher, in accordance with the prescribed curriculum
- Regular attendance at school
- forty-five days holiday (on working days) during every school year, not including public holidays and non-working days
- Daily and weekly breaks
- Financial reward for work in the workshop, paid monthly, in accordance with the provision of the apprenticeship contract, which is an integral part of the Ordinance on minimum conditions for an apprenticeship contract (OG 18/08)

- Apprenticing only in day shift (between 7:00 and 20:00), not more than eight hours
- Instruction and work on equipment in good working order
- Use of personal protective equipment during work
- Health insurance and insurance against injury in the workplace during apprenticeship
- Take the assistant's examination for the occupation for which he is being trained.

Average net salary per employee in the economy in the Republic of Croatia		PURSUANT TO THE ORDINANCE ON THE MINIMUM REQUIREMENTS FOR APPRENTICESHIP CONTRACTS		
		Year 1 (15%)	Year 2 (20%)	Year 3 (25%)
July 2010	HRK 5,323.00	HRK 798.45	HRK 1,064.60	HRK 1,330.75
2009	HRK 5,178.00	HRK 776.70	HRK 1,035.60	HRK 1,294.50

Paragraph 6 – Time spent on vocational training

The Croatian Employment Service carries out extensive activities related to providing vocational training and counselling to young people. The following services are offered to pupils, students and parents:

- students in Year 8 of elementary school – advice on how to achieve priority or direct enrolment in secondary school (regular, special, adapted curricula, gifted pupils)
- secondary school and university students – selection of faculty, choice/change of study programme due to poor performance, health problems, etc.
- educational institutions – support for developing vocational guidance schemes.

Thus, for example, vocational guidance activities carried out in 2009 included various forms of vocational information and counselling provided to unemployed people and other target groups, including preventive activities and helping students choose appropriate educational programme. For vocational information purposes, a total of 171,000 copies of various brochures and flyers were printed, including five regional brochures on enrolment in secondary school.

Vocational guidance also includes surveying students' career intentions, and provision of vocational information and counselling. Career Intentions Surveys are used to identify priority groups of students to receive counselling on their further education/employment. The results of Career Intentions Surveys are also used to provide information to other stakeholders in the area of education/employment (recommendations for determining enrolment quotas). In 2009, a total of 60,312 students were interviewed – 41,947 elementary school students and 18,365 secondary school students, which accounted for 85% of the final-year population in elementary schools and 39% of the final-year population in secondary schools in 2009. Vocational guidance counsellors offer vocational information and counselling services according to the pupils' needs and types of difficulties they encounter.

In 2009 a total of 44.892 final-year pupils of elementary and secondary schools were covered by vocational information and counselling activities, or 46% of the target population consisting of final-year pupils of elementary and secondary schools in 2009. Also, with a view to promoting the occupations that in demand on the labour market (i.e. scarce skills), the Croatian Employment Service, in co-operation with regional chambers of trades and crafts, has been carrying out activities aimed at promoting scarce skills among pupils and covering the costs of medical examination for the enrolment of pupils in educational programmes for these occupations. In 2009, a total of 2,230 medical examinations for the enrolment of pupils in occupational programmes for scarce occupations have been financed.

Figures relating to vocational guidance activities

ACTIVITY	2002	2003	2004	2005	2006	2007	2008	2009
<i>Written information</i>								
Number of leaflets and brochures	106000	113500	107000	91000	113000	147745	131000	170732
<i>Elementary and secondary school pupils</i>								
Career Intentions Survey for Pupils	-	-	-	45000	59862	49693	48763	60312
Vocational information for pupils	35192	26088	27900	27200	27637	26597	32068	30079
Vocational counselling for pupils	15550	12059	12210	12060	13135	14470	14631	14813
<i>Unemployed persons</i>								
Vocational information for unemployed persons	31208	28262	17100	12800	11481	10052	13536	19676
Individual vocational counselling for unemployed persons/jobseekers	6463	5519	6290	5940	5935	6353	7697	6541
Group vocational counselling for unemployed persons/jobseekers – number of workshops	1613	1429	-	1013	1107	1102	1593	2950
Group vocational counselling for unemployed persons/jobseekers – number of participants	28830	10029	-	6724	7603	8303	12075	26637
Selection for education – number of selections	114	116	99	83	182	440	484	489
Selection for education – number of persons	1581	2035	2220	1010	2455	4702	3732	5377
Number of persons included in educational activities through local partnerships	-	752	-	497	1819	468	1365	347
<i>Employers</i>								
Selection for employment – number of selections	294	174	267	247	370	552	627	338

Selection for employment – number of persons	4065	3051	6000	3031	3717	3586	3237	2787
Counselling employers on human resources development	-	1102	-	444	902	397	747	227

Paragraph 7 – Paid annual holidays

Workers' right to annual leave has been regulated differently than in the previous Labour Act. In particular, Article 55 of the new Labour Act prescribes that a worker has the right to paid annual leave in the duration of at least four weeks for each calendar year, and also that a minor worker or worker carrying out work at which workers cannot be protected from harmful effects despite the application of occupational safety and health measures has the right to paid annual leave in the duration of at least five weeks for each calendar year.

A person admitted by the employer for occupational training purposes (occupational training for work) without entering into an employment contract (previously called "volunteer") is entitled to annual leave, because such a person is subject to the Labour Act's provisions governing employment, with the exception of the provisions on conclusion of employment contracts, on salary and compensation *in lieu* of salary, and on termination of employment contracts. This means that a person undergoing occupational training for work is entitled to annual leave, but not to financial compensation for using this leave.

Paragraph 8 – Prohibition of night work

Night work is work which is, irrespective of its duration, carried out between the hours of 10 in the evening and 6 in the morning of the next day and, for agriculture, between 10 in the evening and 5 in the morning of the next day, unless Labour Act or another law, another regulation, collective agreement or agreement between the employer and the works council specify otherwise (Article 48 of the Labour Act).

To ensure protection in terms of occupational safety and health in the case of night work, the legislator prohibited night work of certain categories of workers by the provisions of Article 49 of the Labour Act.

This prohibition relates to night work of minors (Article 49, paragraph 2), but it is relative because in situations in which such work is absolutely necessary in economic activities regulated by special regulations, when no adult workers are available, night work will be allowed, but it will fall under the limited protective scope of these provisions, which means that night work of minors in such situations may not last longer than eight hours within a period of twenty-four hours. Also, work of minors is prohibited in the period from midnight to four in the morning.

As a matter of fact, the possibility of night work of minors is generally very limited, but since the employment of this category of workers in Croatia is not very common, the aforesaid provisions will not affect night work.

In the event of night work of minors, as described above, the employer is obliged to ensure that such work is carried out under the supervision of an adult person, and a labour inspector may prohibit night work of minor workers, if it is contrary to the provisions of the Labour Act.

The minister responsible for labour has also issued the *Ordinance on the activities considered as industrial activities* (OG 67/2010), which provides that the following activities are classified as industrial activities:

Within the meaning of this Ordinance, an industrial activity is any of the activities classified into the following groups in the *Decision on the National Classification of Economic Activities 2007 – NCEA 2007* (Official Gazette 58/07 and 72/07 – corrigendum):

- 1) B – Mining and quarrying
- 2) C – Manufacturing
- 3) D – Electricity, gas and steam supply and air conditioning
- 4) E – Water supply: removal of waste water, waste management and environment rehabilitation activities
- 5) F – Construction

Article 3

(1) Section B – Mining and quarrying includes:

- 1) 05 – Mining of coal and lignite
- 2) 06 – Extraction of crude petroleum and natural gas
- 3) 07 – Mining of metal ores
- 4) 08 – Other mining and quarrying
- 5) 09 – Service activities incidental to mining

(2) Section C – Manufacturing includes:

- 1) 10 – Manufacture of food products
- 2) 11 – Manufacture of beverages
- 3) 12 – Manufacture of tobacco products
- 4) 13 – Manufacture of textiles
- 5) 14 – Manufacture of wearing apparel
- 6) 15 – Manufacture of leather and related products
- 7) 16 – Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials
- 8) 17 – Manufacture of paper and paper products
- 9) 18 – Printing and reproduction of recorded media
- 10) 19 – Manufacture of coke and refined petroleum products
- 11) 20 – Manufacture of chemicals and chemical products
- 12) 21 – Manufacture of basic pharmaceutical products and pharmaceutical preparations
- 13) 22 – Manufacture of rubber and plastics products
- 14) 23 – Manufacture of other non-metallic mineral products
- 15) 24 – Manufacture of metals
- 16) 25 – Manufacture of fabricated metal products, except machinery and equipment
- 17) 26 – Manufacture of computers and electronic and optical products
- 18) 27 – Manufacture of electrical equipment
- 19) 28 – Manufacture of machinery and apparatus n.e.c.
- 20) 29 – Manufacture of motor vehicles, trailers and semi-trailers
- 21) 30 – Manufacture of other transport equipment
- 22) 31 – Manufacture of furniture

- 23) 32 – Manufacturing n.e.c.
- 24) 33 – Repair and installation of machinery and equipment
- (3) Section D – Electricity, gas and steam supply and air conditioning includes:
 - 1) 35 – Electricity, gas and steam supply and air conditioning
- (4) Section E – Water supply: removal of waste water, waste management and environment rehabilitation activities includes:
 - 1) 36 – Collection, purification and distribution of water
 - 2) 37 – Removal of waste water
 - 3) 38 – Collection of waste, waste treatment and management, recycling
 - 4) 39 – Environment rehabilitation and other waste management activities
- (5) Section F – Construction includes:
 - 1) 41 – Erecting buildings
 - 2) 42 – Civil engineering
 - 3) 43 – Special trade construction

Paragraph 9 – Regular medical examination

The Trades and Crafts Act prescribes that an apprentice may be admitted for apprenticeship at a crafts business provided that he or she has completed at least elementary school and that he or she has a specific medical fitness for the occupation for which he or she is being trained.

Medical fitness is proved by a medical certificate or a health certificate issued by an occupational medical practitioner, which is required for enrolment in an educational programme for trades and crafts occupations and for the occupation of motor vehicle driver.

Paragraph 10 – Protection against physical and moral dangers

Along with the already mentioned Labour Act and its provisions governing the protection of young people, the said matters are also regulated by the Family Act and the Criminal Code, whose provisions have not changed in the reporting period insofar as they are relevant to this Report.

Pursuant to the provisions of the Family Act, the centre for social welfare is authorised to intervene every time it receives information about violations of the rights of a child and, in particular, in the case of any form of physical or mental violence, sexual abuse of a child, exploitation of a child which involves forcing the child to work excessively or to do work inappropriate to his or her age, enticing a child to engage in socially unacceptable behaviour, abandoning a child, and other cases of abuse or neglect of parental duties specified by law. Immediately upon receiving information to this effect, the centre is obliged to examine the case and undertake measures to protect the child's rights. In every case of abuse or gross neglect of parental responsibilities, the centre for social welfare is obliged to initiate proceedings to terminate parental rights, as soon as they become aware of the circumstances justifying such an action. These proceedings may also be initiated by the other parent, the child, or the court *sua sponte*. Besides being criminally responsible, a parent who sexually abuses his or her child or entices the child to engage in socially unacceptable behaviour will

also have his or her parental responsibility taken away. The competence for issuing such a decision lies with the court.

As regards the impact of the application of the Family Act, we wish to point out that a working group has been established at the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity charged with carrying out an analysis of the impact of its application and with proposing recommendations to improve it. In addition, work is currently in progress on collecting information from bodies responsible for applying the Family Act.

The Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity was responsible for drawing up a Draft Proposal for the Act on the Ratification of the European Convention on the Exercise of Children's Rights. The Proposal of the Act was adopted by the Government of the Republic of Croatia at its session held on 21 November 2009, and the Croatian Parliament passed the Act on the Ratification of the European Convention on the Exercise of Children's Rights on 29 January 2010 (Official Gazette – International Agreements 1/2010). The implementation of the European Convention will lead to a further improvement of Croatian family legislation, as the Convention introduces a modern and effective system for the protection of children's rights.

In order to ensure the protection of children from all forms of violence, the Government of the Republic of Croatia has adopted a number of strategic documents, such as the *National Action Plan for the Rights and Interests of Children 2006-2012*, the *Programme of Activities for Preventing Violence among Children and Young People*, the *Protocol for Handling Cases of Violence among Children and Young People*, the *National Strategy for the Protection from Domestic Violence 2008-2010*, and the *Protocol for Handling Domestic Violence Cases*.

The *National Action Plan for the Rights and Interests of Children 2006-2012* was adopted by the Government of the Republic of Croatia on 22 March 2006. It provides a comprehensive strategy of action in the area of protecting children's rights in Croatia in the forthcoming period. The basic goals of the National Action Plan for the Rights and Interests of Children 2006-2012 were defined through 14 fields of action and specifically: Education, Health, Nutrition, the Role of the Family in Raising and Bringing up Children, Social Welfare, Children with Developmental Problems, Children Belonging to National Minorities, Children – Victims of Trafficking, Children with Special Needs, Abused and Neglected Children, Children Affected by the War and its Consequences, Leisure Time and Culture, the Media, and Enhancing the Implementation of International Obligations of the Republic of Croatia in the Area of Children's Rights. All competent bodies of state administration, units of local and regional self-government, the media and civil society organisations active in improving the position of children and protecting their rights in the Republic of Croatia are involved in the implementation of 124 measures from the Action Plan. The body in charge of monitoring the implementation of the National Action Plan for the Rights and Interests of Children 2006-2012 is the Council for Children, and the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity co-ordinates its implementation. The Action Plan defines the following goals in the area *Abused and Neglected Children* for the period 2006-2012:

- to undertake systematic efforts aimed at raising public awareness of the importance of protecting children from abuse and neglect and reduce the number of cases involving abuse and neglect of children,
- to keep developing a culture of responsible parenthood by strengthening parental competences for raising children and protecting them from abuse and neglect,

- to improve the system for protecting children from abuse and neglect,
- to enhance professional awareness in carrying out the activities related to protecting children from abuse and neglect (in the health, educational and social welfare systems, the police, the justice system and other services whose remit includes child protection),
- to foster prevention and timely identification of cases involving abuse and neglect of children, and responsibility for undertaking effective measures under family law and criminal law aimed at protecting children from such conduct,
- to foster prevention and protect children from all forms of neglect (emotional, health, medical and educational), from all forms of abuse (psychological, physical, sexual), and from exposure to abuse via the internet,
- to improve the system for protecting children from economic exploitation and employment and work in jobs harmful to their development and health.

The *Programme of Activities for Preventing Violence among Children and Young People* was adopted in 2004 with the aim of preventing occurrences of violence among children and young people, training experts working with children and young people, raising the awareness of parents, children and young people about the problem of violence, offering systematic assistance to children and young people who are victims of violence, and conducting scientific monitoring of occurrences of violence among children and young people. The *Protocol for Handling Cases of Violence among Children and Young People* was also adopted, which defines the procedures to be undertaken by all bodies in cases of violence among children and young people.

Furthermore, the Government of the Republic of Croatia also adopted the *Programme of Activities for Preventing Violence among Young People for 2009*, with the aim of raising the awareness of professionals, parents, young people, the academic and the general public about the problem of violence among young people, developing systematic solutions for preventing occurrences of violence among young people, and mitigating and eliminating its consequences,

In addition, the Government of the Republic of Croatia adopted the *National Strategy for Preventing Behavioural Problems in Children and Young People 2009-2012*, with the aim of providing minimum conditions for quality, successful and healthy growth and development of young generations, eliminating risk factors predisposing to behavioural problems, and addressing behavioural problems and its consequences. The National Strategy provides for implementation of 22 measures in the forthcoming period within individual areas: Research into Behavioural Problems in Children and Young People; Improving the System for Preventing Behavioural Problems in Children and Young People; Family Empowerment; and Local Community Empowerment.

In this context, it is necessary to mention the formation of the *Youth Council* (Official Gazette 111/2003, 23/2004, 120/2005, 21/2008 and 132/2009), an inter-departmental, professional and advisory body to the Government of the Republic of Croatia, charged with co-ordinating the implementation and evaluation of the National Programme for Young People. Expert and administrative tasks for the Council are carried out at the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, and funds for the Council's activities are provided from the State Budget of the Republic of Croatia, under the appropriation for the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity.

At its session held on 15 May 2008, the Government of the Republic of Croatia issued the Decision to appoint new members of the Youth Council.

In the same vein, the *Commission of the Government of the Republic of Croatia for the Prevention of Behavioural Problems of Children and Young People* is an advisory body to the Government of the Republic of Croatia, established with the aim of offering expert assistance in discussions and decisions on all matters relating to timely implementation of necessary measures in the interest of children and young people, and especially those living in high-risk conditions, and to provision of care to such children.

To this end, the Commission:

- studies, monitors and analyses risk factors predisposing to behavioural problems in children and young people, monitors juvenile delinquency trends and implementation of measures and activities aimed at suppressing juvenile delinquency and protecting children and young people in the context of criminal law;
- gives expert opinions and proposes measures to eliminate and mitigate the influence of negative factors on development, mental health and behaviour of children and young people;
- monitors, consolidates and directs activities in the area of prevention, offers expert assistance to those in charge of implementing activities on the local, county and national levels;
- keeps abreast of new developments relating to laws and regulations and gives expert opinions and proposals for adopting laws and implementing and other regulations in the interest of children and young people, and monitors their implementation;
- proposes arrangements for protecting, socialising and rehabilitating children and young people with behavioural problems, as well as guidelines for a more effective link-up between social welfare actors;
- co-operates with competent ministries, state and administrative organisations and institutions, scientific institutions, non-governmental organisations and international bodies;
- initiates and directs scientific activities in relation to all matters in the area of timely implementation of necessary measures in the interest of children and young people, and especially those living in high-risk conditions, and provision of care to such children.

Expert and administrative tasks for the Commission are carried out at the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, and funds for the Commission's activities are provided from the State Budget of the Republic of Croatia, under the appropriation for the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity.

Article 8 – The right of employed women to protection

With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

1. *to provide either by paid leave, by adequate social security benefits or by benefits from public funds for women to take leave before and after childbirth up to a total of at least 12 weeks;*

2. *to consider it as unlawful for an employer to give a woman notice of dismissal during her absence on maternity leave or to give her notice of dismissal at such a time that the notice would expire during such absence;*
3. *to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;*
4.
 - a) *to regulate the employment of women workers on night work in industrial employment;*
 - b) *to prohibit the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature.*

National legislation:

- Maternity and Parental Benefits Act (OG 85/08 and 110/08)
- Compulsory Health Insurance Act (OG 85/06, 105/06, 118/06, 77/07 and 111/07)
- Act on Amendments to the Compulsory Health Insurance Act (OG 150/08, 94/09 and 153/09)
- Gender Equality Act (OG 82/08)
- Ordinance on conditions and procedure for exercising the right to pause for breastfeeding and the right to pregnancy and infant leave (OG 24/09)
- Ordinance on the Conditions and Procedure for Acquiring the Right to Work Shortened Working Hours (SWH) in Order to Enhance Child Care (OG 25/09)

Paragraph 1 – Maternity leave

Paragraph 2 – Illegality of dismissal during maternity leave

Paragraph 3 – Time off for nursing mothers

From 1 January 2009, with the entry into force of the Maternity and Parental Benefits Act (Official Gazette 85/08 and 110/08), the rights of all working women in terms of maternal and parental leave have been regulated in a uniform manner. These rights were formerly regulated by the Labour Act. The aforesaid Act introduces certain new features to the conditions and means of exercising rights for the protection of maternity, care and nurture of the newborn child, and reconciling family and work life.

It should be pointed out in particular that working mothers/parents, as a new feature, are now enabled to use flexible parental leave up to the child's eighth year of age, in the form of shorter working hours, and that both parents may exercise this right at the same time, or in alternation, by mutual agreement.

Article 8 of the Act prescribes that nationals of the member states of the European Economic Area have equal rights and obligations by virtue of the Act as Croatian nationals.

According to the Maternity and Parental Benefits Act, implemented from 1 January 2009, a **working woman** has the right to:

1. Maternity leave

Time benefits

Maternity leave may be used for a period of 45 days before the estimated due date of delivery, and is compulsory for 28 days before the estimated due date. It can be used until the child is 6 months old.

After the first 42 days have expired following delivery, maternity leave can be used in the form of part-time work (half normal working time) over a period of time double in length, but not lasting longer than 9 months from the delivery, after which the right to parental leave may be exercised.

If the child is born prematurely, maternal leave may be extended by the length of the period of prematurity.

After the first 42 days have expired after the delivery, a working father may use parental leave if the parents agree so.

Financial benefits

Pursuant to the Act on Amendments to the Compulsory Health Insurance Act (Official Gazette 111/07), which entered into force on 1 January 2008, the payment of compensation in lieu of wages for compulsory maternity leave is exempted from the amount of the limit prescribed in Article 46, paragraph 3 of the Compulsory Health Insurance Act (Official Gazette 85/06, 105/06, 118/06, 77/07 and 111/07), which means that compensation in lieu of wages for compulsory maternity leave, which is calculated at 100% of the base rate for compensation in lieu of wages (based on the average wage paid in the six months preceding the month in which the right to maternity leave began to be exercised – delimited maternal benefit) and which is paid from CIHI funds, may exceed the amount of HRK 4,257.28, as previously prescribed.

The benefit paid for the period of maternity leave amounts to 100% of the base rate for salary established according to regulations on compulsory health insurance (based on the average wage paid in the six months period prior to the month in which the right to maternity leave – delimited maternity leave – began to be exercised), and is paid from CIHI funds.

A working parent who does not fulfil the condition of 12 consecutive months of insurance periods before beginning to exercise the right to maternity leave is entitled to benefits amounting to 50% of the budget base line, i.e. an amount of HRK 1,663.00 (the budget base line has been established at HRK 3,326.00).

By **insurance periods** is meant the period which the natural person has completed on the basis of work under an employment contract, and on the basis of compensation in lieu of wages following the cessation of that work, completed according to the regulations of the compulsory health insurance system.

2. Parental leave

Time benefits

Parental leave is a **right and obligation of both working parents**, who exercise this right, as a rule, in equal duration. They can use it individually, alternately or concurrently. Parental leave can also be used in the form of part-time work (half normal working hours) for a period double in length. In other words, parental leave which normally lasts 6 months, if used in the form of the right to work half-time, can be used for a period of 12 months.

Duration of parental leave

For the **first and second child**, parental leave lasts **6 months**, or 180 days, but for **twins, or the third and any subsequent children, it lasts 30 months**, or 900 days.

If the father of the child uses parental leave for at least 3 months (90 days), it is extended by 2 months (60 days), which is seen as an incentive for fathers as well as mothers to use parental leave.

Since parental leave can be used up to the child's eighth birthday, parents may use it in instalments. If parents decide to use parental leave in instalments, they may use it at the most twice a year for periods of at least 30 days. One parent may use the entire parental leave, i.e. his or her own entitlement and the entitlement of the other parent, if one parent agrees to give up his or her right in favour of the other parent. This right can also be exercised by one parent in the following cases:

- if one parent has been denied parental responsibility, has been deprived of the capacity to act, partially deprived of the capacity to act in terms of parental responsibility, has disappeared, is unknown, or has an unknown place of residence or stay,
- if visitation with the child, for the sake of the child's welfare, has been prohibited to one parent or limited, or if one parent, according to the regulations on protection from domestic violence, has been issued a restraining order prohibiting access to the proximity of the child or an order to leave the family residence – house, flat or other type of accommodation where the child lives,
- if one parent is seriously ill or dependent on the help of another person, which would prevent him or her from providing parental care, according to an assessment by a competent medical commission of the CIHI,
- if one parent is a military employee on a military mission outside the Republic of Croatia, or is serving a prison sentence lasting longer than a year at once, on condition that the parent in this subparagraph submits a written statement renouncing his rights to exercise parental leave in favour of the other parent.

Financial benefits

Financial benefits paid for parental leave exercised in the first 6 months (180 days) amount to 100% of the base line for compensation in lieu of wages established according to the regulations on compulsory health insurance, but the amount of this compensation may not be more than 80% of the budget base line, i.e. HRK 2,660.80. For the remainder of parental leave, i.e. from the 6th to the 30th month, when the right to compensation in lieu of wages is exercised, the benefit amounts to 50% of the budget base line, i.e. HRK 1,663.00.

2. Breaks for breastfeeding

Time benefits

The right to breaks for breastfeeding is exercised by a working mother who, after ceasing to use the right to parental leave or shortened working hours, continues to breastfeed the child, while working full-time.

Breaks for breastfeeding can be used up to the child's first birthday, and amount to two hours per day, regardless of whether the working father is using one of the rights prescribed by the Act (maternal or parental leave) at the same time, for the same child.

The two hours allowed may be used together or at two separate periods of one hour each during the day.

The time spent by the mother on breaks for breastfeeding is included in her working hours.

Financial benefits

The benefits for using breaks for breastfeeding amounts to 100% of the budget base line, calculated on an hourly basis for the month for which the compensation in lieu of wages is calculated.

A mother who does not fulfil the necessary insurance period of 12 continuous months is entitled to an amount which is 50% of the budget base line, calculated on an hourly basis for the month for which the compensation in lieu of wages is calculated.

3. Right to shortened working hours in order to enhance child care

Time benefits

A working parent of a child who has a condition or illness established in the Ordinance on the conditions and procedure for acquiring the right to work shortened working hours (SWH) in order to enhance child care (Official Gazette 25/09) has the right to work shortened working hours in order to enhance care for the child until its 3rd birthday.

The right to SWH may be exercised after the right to parental leave for that child has been used, in full. SWH implies working half-time (4 hours per day).

The right to SWH may only be exercised by one parent, on condition that both parents have the status of full-time working parents, and by a working parent who cares for the child as a single parent. This right may also be exercised on condition that the other parent, who does not have the status of an employed or self-employed person, is unable, due to his or her mental or physical condition, to provide enhanced care for the child (if he or she has been denied parental responsibility, has been deprived of the capacity to act, partially deprived of the capacity to act in terms of parental responsibility, has disappeared, is unknown, or has an unknown place of residence or stay, if visitation with the child, for the sake of the child's welfare, has been prohibited to him or her or limited, or if he or she, according to the regulations on protection from domestic violence, has been issued a restraining order prohibiting access to the proximity of the child or an order to leave the family residence –

house, flat or other accommodation facility where the child lives, if he or she is seriously ill or dependent on the help of another person, which would prevent him or her from providing parental care, according to an assessment by a competent medical commission of the CIHI).

Financial benefits

A working parent, while exercising the right to SHW up to the child's third birthday, has the right to compensation in lieu of wages amounting to 50% of the budget base line, converted at the hourly rate for the calendar month for which the compensation in lieu of wages is calculated, and the hourly rate arrived at is multiplied by the number of hours' absence from work.

4. Right to leave or shortened working hours to care for a child with severe developmental problems

Time benefits

A working parent of a child with severe developmental problems (severe physical or mental damage or a severe mental illness), after using the right to parental leave in full, also has the right to:

- leave to care for the child up to the child's eighth birthday or
- shortened working hours (SWH) up to the child's eighth birthday
- SWH from the child's eighth birthday to the end of his or her regular education, or for as long as the child needs care.

The right to leave or SWH cannot be exercised by a working parent who, according to the social welfare regulations, has been awarded the status of parent-caregiver.

A working parent of a child with severe developmental problems has the right to leave in order to care for the child or the right to SWH, on condition that he or she is in full employment, and that the other parent is not unemployed, according to employment regulations, or if he or she lives alone with the child in the household (e.g. single or divorced parents).

In exceptional circumstances, the parent of a child with severe developmental problems may exercise one of the prescribed rights if the other parent, who is unemployed, is unable, due to his or her mental or physical condition, to provide the necessary care for the child with serious developmental problems, if he is serving military service, is in detention, or is serving a prison sentence longer than 30 days.

Financial benefits

During the period when the right to leave to care for a child with severe developmental problems is being exercised, the parent has the right, if he or she is employed full-time, to compensation in lieu of wages amounting to 65% of the budget base line, i.e. HRK 2,161.90.

During the period of exercising the right to SWH, the parent has the right to compensation in lieu of wages for the remainder of the time (to make up full-time employment) at the level of

the difference between the wages earned working half-time and the wages he or she would earn working full-time.

A parent who has not completed a consecutive insurance period of 12 months before exercising the right, is entitled to compensation in lieu of wages amounting to 50% of the budget base line, i.e. HRK 1,663.00.

Adoption leave

Time benefits

An employed parent may take an adoption leave by exercising:

- the right to adoption leave or
- the right to parental leave.

The right to adoption leave may only be exercised by one adoptive parent, regardless of the number of adopted children, provided that the adoptive parent's spouse is not a biological parent of the adopted child.

The right to adoption leave is exercised from the date on which the decision on the adoption becomes final. The adoption leave may last:

- 6 months (180 days) in respect of an adopted child younger than 3
- 5 months (150 days) in respect of an adopted child between the ages of 3 and 5
- 4 months (120 days) in respect of an adopted child between the ages of 5 and 18.

In the case of the adoption of:

- twins
- a child who comes to the family as a third or any subsequent child
- a child with developmental problems

the adoption leave is extended by 60 days.

Having used an adoption leave, an employed adoptive parent is entitled to a parental leave.

If a child younger than 3 has been adopted, the duration of the adoption leave is

- 6 months (180 days) – in respect of one or two adoptees
- 30 months (900 days) – in respect of twins, a child who comes to the family as a third or any subsequent child.

For an adoptee between the ages of 3 and 8, the parental leave (of 6 or 30 months) is reduced by 30 days for each year of the adoptee above the age of 3.

Financial benefits

The amount of compensation in lieu of wages payable during adoption leave depends on the adopted child's age, and it is determined as compensation for maternity leave for an adopted child under 6 months or as compensation for parental leave for an adopted child older than 6 months, under the same conditions for employed and self-employed parents.

**REPORT ON INSURED PERSONS' TEMPORARY INABILITY TO WORK/
UNAVAILABILITY FOR WORK IN THE PERIOD JANUARY TO DECEMBER 2009**

	 GROUNDS	 NUMBER OF BENEFICIARIES
Beneficiaries found to be using previously acquired rights at the moment of the entry into force of the Maternity and Parental Benefits Act (1 January 2009)		
1.	Mandatory maternity leave	34489
2.	Maternity leave after 43 days since the childbirth	27143
3.	Those working one half of full-time working hours (OHFTWH – maternity leave)	9
4.	Extended maternity leave for a prematurely born child	847
5.	Maternity leave in the case of the child's death	131
6.	Maternity leave (until the child's 1 st birthday)	2838
7.	Maternity leave (for children between the ages of 1 and 3)	641
8.	Maternity leave – shortened working hours	14
9.	Adoption leave	4
10.	Shortened working hours (SWH) in order to enhance child care until the child's 3 rd birthday	4

	Beneficiaries who started using their rights pursuant to the Maternity and Parental Benefits Act after 1 January 2009	 NUMBER OF BENEFICIARIES
1.	Parental leave in the first 180 days	29460
2.	Parental leave from 181 to 900 days	5560
3.	Those working one half of full-time working hours (OHFTWH – maternity leave) up to 180 days	110
4.	Those working one half of full-time working hours (OHFTWH – maternity leave) from 181 to 900 days	85
5.	Leave to take care of a child with severe developmental problems	2233
6.	Leave to take care of a child with severe developmental problems until the child's 7 th birthday	4387
7.	Those working SWH in order to enhance child care until the child's 3 rd birthday	3
8.	SWH for a child with severe developmental problems, until the child's 8 th birthday	817
9.	SWH for a child with severe developmental problems, from the child's 8 th until his or her 18 th birthday	2214
10.	SWH for a child with severe developmental problems older than 18	742
11.	Additional 60 days of parental leave on the ground that the father used 90 days of parental leave	321

12.	Additional 60 days of parental leave (OHFTWH) on the ground that the father used 90 days of parental leave	3
13.	Breastfeeding break	53
14.	Adoption leave up to 180 days (80% of the budget base line)	0
15.	Adoption leave after the 181 st day (50% of the budget base line)	0
16.	Adoption leave – OHFTWH (80% of the budget base line)	0
	TOTAL:	112108

By the provisions of the new Labour Act, that is by its Article 70, to be more precise, horizontal harmonisation was made with the Parental Rights and Benefits Act. Thus, the provisions of paragraph 1 of this Article specify that a worker during his or her exercise of the right to maternity or parental time benefits intends to change the manner of exercising this right, or intends to re-establish an unused right that pertains to him or her shall notify his or her employer of this intention pursuant to a special law.

A novel feature is also the provision whereby the employer is not only obliged to give a written statement about his consent to the worker's intention, but, in the event of an extraordinary increase in the volume of work, *force majeure* or in other similar cases of absolute necessity, he may, in a written statement, decline to accept the worker's intentions. In that case, the worker may give up his or her intentions. At the same time, the presumption is established whereby the employer is deemed to have agreed with the intention expressed by the worker concerning the manner of exercising rights, unless he issues a written statement within 15 days.

Moreover, Article 71 of the Labour Act prescribes prohibition of dismissal during pregnancy, the exercise of maternity, parental or adoption leave, work in one half of full-time working hours, work in shortened working hours to enhance child care, leave of a pregnant woman or a breastfeeding mother, leave or shortened working hours for the purpose of caring for or nursing a child with severe developmental problems or during the period of fifteen days after the cessation of pregnancy or the cessation of the exercise of these rights. The purpose of this provision is to impose an absolute ban on dismissal or on rendering a decision to dismiss a person belonging to a specific category, for as long as the circumstances providing grounds for using this right, which gives rise to the ban, exist.

As well as by the Labour Act, the matters relating to the protection of women on the labour market are also dealt with by the Gender Equality Act (OG 82/08). Article 6 of this Act prohibits discrimination on the grounds of marital or family status, and prescribes that less favourable treatment of women based on pregnancy or maternity is deemed discrimination. Article 13 of the same Act regulates in more detail the issue of gender discrimination in the areas of employment and labour. Pursuant to this Article, discrimination is prohibited in both the private and the public sector, including in state bodies. Article 13, paragraph 2, indent 7 prohibits discrimination based on pregnancy, childbirth, parenthood and any form of guardianship. In the case of a violation of this Article, the victim is entitled to file an action with the ordinary court of general jurisdiction and seek damages, and the burden of proving that no discrimination has occurred is on the respondent.

In addition, the provisions of Article 72, paragraph 1 were supplemented for the purposes of horizontal harmonisation with the Parental Rights and Benefits Act, in that all situations were specified in which a worker may terminate his or her employment contract by giving extraordinary notice, if he or she exercises any of the following rights: the right to maternity, parental or adoption leave, the right to work one half of full-time working hours, the right to work shortened working hours to enhance child care, the right to leave of a pregnant woman or a breastfeeding mother, the right to leave or shortened working hours for the purpose of caring for or nursing a child with severe developmental problems or the right to have one's employment contract suspended until the child's third birthday.

Article 68 of the new Labour Act prescribes that the provisions of Article 67 of the Labour Act, which prohibit unequal treatment of pregnant women, do not prevent the employer to make an offer to an employee who is pregnant or breastfeeding, at her proposal, to conclude an employment contract under modified conditions for the performance of other appropriate job.

In distinction from the provisions of the old Labour Act, the employer may no longer transfer a pregnant woman to another job, but he may offer to her to conclude a modified employment contract.

It should also be noted that the employer may make this offer only at the pregnant woman's proposal, and not like before when he could transfer her to another job if he himself concluded that her state of health so required.

In the same way, if a pregnant or breastfeeding woman performs tasks that pose a risk to her life or health, or the life or health of her child, the employer is obliged to offer her to conclude an agreement assigning her to the performance of other appropriate tasks, which will replace the relevant provisions of her employment contract for a specific period of time. Therefore, here as well an agreement is offered and not a transfer to another job as was the case before. Another novelty is that if the employer is unable to offer to the pregnant or breastfeeding woman performing harmful tasks an agreement for the performance of other tasks on a temporary basis, the worker is entitled to take a leave with compensation in lieu of wages pursuant to a special regulation.

In this context, a provision was added whereby the agreement for the performance of other tasks expires and the worker shall return to the job she had performed earlier, on the basis of the employment contract, as soon as her pregnancy or breastfeeding period expires.

Paragraph 4 – Regulation of night work and prohibition of dangerous, unhealthy or arduous types of work for women workers

During inspectional supervisions carried out in 2005, labour inspectors responsible for labour relations found that 445 women had worked at night contrary to legal provisions, while during supervisions in 2006 labour inspectors found 331 such women. Due to violations referred to in Articles 60 and 61 of the LA, the labour inspectors filed requests to institute misdemeanour proceedings against employers in the competent misdemeanour courts, and issued decisions to prohibit illegal night work of women, pursuant to the provisions of Article 60, paragraph 7 of the LA.

In response to the requests to institute misdemeanour proceedings filed upon the completion of inspectional supervisions in 2005, labour inspectors received 9 court decisions (7 rulings and 2 misdemeanour orders) from which it was evident that the competent courts imposed fines on employers who engaged women in night work contrary to legal provisions, ranging from HRK 300.00 to 7,000.00.

In response to the requests to institute misdemeanour proceedings filed upon the completion of inspectional supervisions in 2006, labour inspectors received 10 rulings from which it was evident that the competent courts imposed fines on employers who engaged women in night work contrary to legal provisions, ranging from HRK 800.00 to 10,000.00.

During inspectional supervisions carried out in 2007, labour inspectors responsible for labour relations found that 892 women worked at night contrary to legal provisions, while during supervisions in 2008 labour inspectors found 107 such women and during supervisions in 2009 164 such women were found. Due to violations referred to in Articles 60 and 61 of the LA, the labour inspectors filed requests to institute misdemeanour proceedings against employers in the competent misdemeanour courts and issued decisions to prohibit illegal night work of women, pursuant to the provisions of Article 60, paragraph 7 of the LA.

In response to the requests to institute misdemeanour proceedings filed upon the completion of inspectional supervisions in 2007, labour inspectors received 5 court decisions (4 rulings and 1 misdemeanour order) from which it was evident that the competent courts imposed fines on employers who engaged women in night work contrary to legal provisions, ranging from HRK 7,000.00 to 30,000.00.

In response to the motions to indict filed upon the completion of inspectional supervisions in 2008, labour inspectors received 6 court decisions (5 rulings and 1 misdemeanour order) from which it was evident that the competent courts imposed fines on employers who engaged women in night work contrary to legal provisions, ranging from HRK 600.00 to 61,000.00.

In response to the motions to indict filed upon the completion of inspectional supervisions in 2009, labour inspectors received 3 court decisions (3 rulings) from which it was evident that the competent courts imposed fines on employers who engaged women in night work contrary to legal provisions, ranging from HRK 1,000.00 to 2,350.00.

Article 16 – The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means.

National legislation:

- Act on Protection from Domestic Violence (OG 137/09, 14/10 and 60/10)

- Criminal Code (OG 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07 and 152/08)
- Misdemeanour Act (OG 107/07)
- Police Duties and Powers Act (OG 76/09)
- Juvenile Courts Act (OG 111/97, 27/98 and 12/02)
- Act on Financial Compensation to Crime Victims (OG 80/08) adopted on 2nd July 2008
- Antidiscrimination Act (OG 85/08)
- Gender Equality Act (OG 82/08)
- Child Allowance Act (OG 94/01, 138/06 and 107/07)
- Social Welfare Act (OG 73/07, 27/01, 59/01, 82/01, 103/03, 44/06 and 79/07)
- Family Act (OG 116/03, 17/04, 136/04 and 107/07)
- Act on the Rights of Homeland War Veterans and Their Family Members (OG 174/04, 92/05, 107/07, 65/09 and 137/09)
- Ordinance on the Implementation of Protective Measures (OG 27/04)
- National Family Policy, adopted by the Croatian Government on session held on 16th January 2003
- National Population Policy (OG 132/06)
- National Strategy for the Protection from Domestic Violence 2008-2010 (OG 126/07)
- National Strategy for Equalization of Opportunities for Persons with Disabilities 2007-2015 (OG 63/07)
- National Youth Program 2009-2013, adopted by the Croatian Government on session held on 2nd July 2009
- National Action Plan for the Rights and Interests of Children 2006-2012, adopted by the Croatian Government on 22nd March 2006
- National Strategy for Preventing Behavioural Problems in Children and Young People 2009-2012, adopted by the Croatian Government on session held on 3rd August 2009 (OG 98/09)
- Programme of Activities for Preventing Violence among Children and Young People, adopted by the Croatian Government on session held on 25th February 2004
- Protocol for Handling Cases of Violence among Children and Young People, adopted by Conclusion of the Standing Committee for Social Affairs and Human Rights of the Croatian Government on session held 12th October 2004
- National Programme for the Protection and Promotion of Human Rights 2008-2011 (OG 119/07)
- Programme of Activities for Preventing Violence among Children and Young People, adopted by the Croatian Government on session held on 8th June 2009
- National Strategy for Combat Illicit Drugs 2006-2012, adopted by the Croatian Government on session held on 2nd December 2005

- Action Plan for the Prevention of Drug Abuse 2009-2012
- Implementation Programme Action Plan for the Prevention of Drug Abuse in 2009, adopted by the Croatian Government on session held on 12th February 2009
- National Policy for Promotion of Gender Equality 2006-2010 (OG 114/06)

Question by the Committee

Social protection of families – Housing for families

Following examination of the document produced by the European Committee of Social Rights – Conclusions XVIII-1 (Croatia) – insofar as it relates to the chapter "Housing for families" in which the Committee asks what measures have been introduced to encourage the construction of dwellings suitable for families and whether housing assistance is available to families, we provide the following response:

Within the Programme for Subsidised Sale of Apartments, starting in 2000, young families who are purchasing their first home have been granted advantageous terms at lower than market prices. It should be mentioned that prices have been set in alignment with the provisions of the Subsidised Sale of Apartments Act and the standard price established by the relevant authority. It should also be mentioned that between 2000 and 31 October 2010, 4,984 such apartments were built. In this way, people who are starting families have the opportunity to buy homes at lower prices. We should also emphasise that, pursuant to the Subsidised Sale of Apartments Act (OG 109/01, 82/04, 76/07 and 38/09), it has been possible for units of local self-government and other legal persons with seats in the Republic of Croatia to purchase these apartments for rental purposes. Pursuant to the above, units of local self-government may provide for the housing needs of the segment of the population who are unable to purchase their own homes. We should point out that the priority lists for purchase or rental are drawn up by the units of local self-government, while the administrative procedure of entering into a pre-contract and concluding a contract of sale is carried out by the Agency for Transactions and Mediation in Immoveable Property (ATMIP).

Regarding the query from the Board relating to helping families with housing, it should also be pointed out that, through the Ministry of Health and Social Welfare, via regional offices of units of local self-government, non-refundable grants are also given for heating and other housing costs, and these are allocated in accordance with the prescribed conditions and criteria.

Question by the Committee

In October 2003, the Government of the Republic of Croatia adopted the National Programme for the Roma, with the aim of helping the Roma, in a systematic and comprehensive way, to improve their living conditions and include them in social life and the decision-making process, while preserving their identity, culture and traditions. The National Programme was produced in co-operation with the Council of Europe and many local stakeholders, from the competent ministries to local Roma associations.

Support for implementing the Programme and improving the position of members of the Roma minority can also be seen in the fact that the Republic of Croatia is one of eight founder states of the Decade for Roma Inclusion 2005-2015. Jadranka Kosor (LLB), the Prime Minister, is the highest state official from the Decade's member countries who fulfils the function of the National Co-ordinator of the Decade for Roma Inclusion 2005-2015.

In March 2005, the Government of the Republic of Croatia adopted the Action Plan for the Decade of Roma Inclusion 2005-2015. The Action Plan covers four main areas: education, employment, health and housing. The basic elements of the Action Plan in the area of housing are:

1. Physical development, reordering and equipping of legalised locations inhabited by Roma people
 - 1.1. Researching the spatial deployment and characteristics of locations inhabited by Roma people
 - 1.2. Producing county programmes of activities and measures for improving the physical state and conditions of housing in locations inhabited by Roma people
 - 1.3. Implementing county programmes of activities and measures for improving the physical state and conditions of housing in locations inhabited by Roma people
 - 1.3.1. Physical planning activities (General Zoning Plan, Detailed Reordering Plan, Programme of Measures for Equipping and Reordering Settlements and Allocating Buildings of a Public Character)
 - 1.3.2. Resolving property relations relating to land (state sector: provision without fees/transfer of ownership to units of local self-government/allocations for use/sales by direct contract; municipal/city sector: provision without fees/allocations for use/sales by direct contract; private sector: purchase and other appropriate means)
 - 1.3.3. Reordering and equipping settlements (parcelisation of land, installation of communal, transport and social infrastructures)
 - 1.4. Ongoing monitoring of the situation in locations inhabited by Roma people
2. Creating conditions for the integration of the Roma in the sense of housing needs
 - 2.1. Including Roma families in social programmes of provision of housing
 - 2.2. Enabling abandoned buildings owned by the Republic of Croatia to be allocated for use
 - 2.3. Enabling the allocation of state-owned land for new building
3. Setting up a mechanism (fund) for financial assistance during implementation
 - 3.1. Assuring funds for assistance in financing the implementation of the Action Plan

Roma representatives and representatives of Roma associations participate in the production of all strategies and programmes relating to the Roma. Roma representatives are included in commissions charged with monitoring and evaluating individual programmes, strategies and action plans.

Nine Roma representatives participate in the Commission for Monitoring the Implementation of the National Programme for the Roma, which was established in 2003 and reappointed to a second term of office in 2008. One of the working groups is dedicated to the topic of physical reordering and housing, and is composed of Commission members from the Ministry of

Regarding the housing status of the Roma, we can inform you that in 2004 and 2005, with the aim of gathering information on the housing situation among the Roma in the territory of the Republic of Croatia, the independent scientific research institute "Ivo Pilar" conducted a study entitled "Locations inhabited by Roma people – status and progress of developing settlements and aspirations regarding housing types". On the basis of this study, the Ivo Pilar Institute published a book in December 2005 entitled "How do Croatian Roma live?", in Croatian and English.

It should also be emphasised that the Ministry of Environmental Protection, Physical Planning and Construction is participating in the work of the Commission for Monitoring the Implementation of the Government's National Programme for the Roma, and the Working Group for the Implementation of the Action Plan for the Decade of Roma Inclusion 2005-2015. Pursuant to this involvement, the Ministry is contributing in terms of financing the production of physical planning documentation by units of local self-government, for locations where there are Roma settlements, with the aim of integrating these into the physical and functional systems of existing settlements, and of undertaking further activities for the purpose of legalisation of illegal constructed buildings, and reordering and equipping these locations. In addition, we wish to point out that the issue of collecting information in terms of the housing needs and living conditions in Roma settlement does not fall within the scope of this Ministry's activities, but within the competence of units of local self-government.

Environmental Protection, Physical Planning and Construction, the Međimurje County, the City of Zagreb and Roma representatives. Four Roma representatives participate in the Working Group for Monitoring the Action Plan for the Decade of Roma Inclusion 2005-2015, which was established in 2005 and reappointed to a second term of office in 2008.

Within the framework of implementation of these documents, during 2004 research was conducted into the spatial deployment and characteristics of locations inhabited by Roma people. The results of this research have contributed to the production of county programmes of activities and measures for improving the physical state and the environment in locations inhabited by Roma people, as basic documents which must precede all planning activities, including physical planning. In co-operation with units of local self-government, these plans are adopted by units of regional self-government. To now, of the 14 counties with locations inhabited by Roma people within their borders, which are required to produce county programmes, 13 have done so. They are: the Zagreb, Sisak-Moslavina, Karlovac, Varaždin, Koprivnica-Križevci, Bjelovar-Bilogora, Virovitica-Podravina, Brod-Posavina, Osijek-Baranja, Istria, Međimurje, Lika-Senj Counties and the City of Zagreb. The only programme still to be produced and adopted is that of the Primorje-Gorski Kotar County.

Physical plans are the next step in legalising illegally constructed buildings. The purpose of producing physical plans is to integrate locations inhabited by Roma people and their buildings in the spatial and functional systems of existing settlements (communal and social infrastructure), i.e. to legalise illegally constructed buildings, and to reorder and equip plots of land, with the aim of improving the housing conditions of the Roma population in these locations. As soon as a plan is adopted by the representative body of the unit of local self-government, the realisation of physical planning can begin.

From 2005 to the present day, 15 units of local self-government have produced physical plans for 16 locations inhabited by Roma people in 13 counties, 23 documents in all. To this end, HRK 1,912,042.00 has been earmarked under the appropriation for the Ministry of

Environmental Protection, Physical Planning and Construction from the State Budget. Based on these documents, detailed zoning plans have been produced, as a prerequisite for improving infrastructure. Along with funds from the Republic of Croatia, pre-accession funds have played a vital role in this process. In September 2009, Prime Minister Jadranka Kosor, the Chairman of the Commission for Monitoring the Implementation of the National Programme for the Roma and the National Co-ordinator of the Decade of Roma Inclusion 2005-2015, opened the rebuilt infrastructure in the largest Roma settlement in Croatia, Paraga, in the Međimurje County, financed within the PHARE 2005 programme. Work began in the next three settlements in 2009 (PHARE 2006) and it is expected that a contract will be signed for renewing the infrastructure in the other two larger settlements in the Međimurje County by the end of 2010 (IPA 2008). The total value of these projects is around EUR 6 million. Match funding provided by the Republic of Croatia, along with covering many other costs in the process of legalising buildings in these settlements, have amounted to around EUR 3.2 million. Similar projects are under way in other locations in the Republic of Croatia, which have been developed mostly through co-operation between units of local self-government, local councils and representatives of the Roma national minority and Roma associations: these include the renewal of infrastructure in Belišće, Darda and Tenja (Osijek-Baranja County), Slavonski Brod (Brod-Posavina County) and Sisak (Sisak-Moslavina County).

In settlements where legalisation is impossible, in accordance with the National Programme for the Roma and the Action Plan for the Decade of Roma Inclusion 2005-2015, attempts are being made to secure adequate housing through co-operation between central government, regional and local self-government and members of the Roma national minority. One example is the settlement of Donja Dubrava in the Međimurje County, in which Roma families have lived for decades in extremely difficult conditions, in an area affected by flooding. Through the co-ordinating action of the Office for National Minorities, the Međimurje County, the municipality of Donja Dubrava and the Roma themselves, appropriate homes have been purchased, and these members of the Roma national minority are now integrated, in housing terms, in villages with majority populations.

One important aspect of the legalisation process is the donation of land. That is to say, houses which have been built illegally on state land are legalised by the Central State Office for Managing State Property donating the land to the municipality, which then chooses a model for selling the land to the owners of the buildings on it, in agreement with the owners of illegal property.

In addition, in May 2010, the Government of the Republic of Croatia adopted the Regulation on changes to tariffs in the Administrative Fees Act (OG 69/10), reducing the applicable fee considerably (by 40%), and exempting from payment persons living in areas of special state concern and in Roma settlements which are being reordered in accordance with the Government of the Republic of Croatia's National Programme for the Roma, and exempting buildings intended solely for agricultural purposes.

At the local level, municipal councils are attempting to ease the burden of paying municipal fees and levies, by adopting decisions on payment in instalments (e.g. the municipalities of Nedelišće, Orahovica, Kotoriba and Mursko Središće in the Međimurje County). Public utility companies are facilitating access to infrastructure (water, drains, electricity) by allowing property owners to pay for connections in 36 instalments.

Question by the Committee

Childcare facilities

Since 2007 pre-school education has been regulated as a sub-system within the educational system of the Republic of Croatia (Pre-school Education Act, Official Gazette 10/97 and 107/07). In the 2009/2010 academic year the overall coverage of preschool-age children in regular programmes (5-hour and 10-hour programmes) was 58%. The coverage of children in shorter programmes was around 28%. A total of 99.60% of children in the year before the statutory school age was included in some form of pre-school education, either in regular kindergarten programmes or in the special School Preparation Programme.

There are a total of 673 kindergartens (the total number of buildings in which kindergartens are located is 1,598). Of this number, there are 238 (35.40%) private kindergartens (175 founded by natural persons, 50 by religious communities and 13 by non-governmental organisations), and 435 (64.60%) kindergartens owned by towns, municipalities and counties.

A total of 151,514 children (58.00%) are enrolled in these kindergartens. Private kindergartens cater for 29,320 children (19.40%), while town/municipal/county kindergartens provide care to 122,194 children (80.60%).

When it comes to types of pre-school programmes, it should be noted that 112,346 children (74.10%) are included in regular, full-day programmes, 15,668 (10.40%) in special school preparation programmes, and 23,500 (15.50%) in shorter programmes.

Pre-school education programmes also include 5,985 children with developmental problems (5.30%), 1,678 gifted children (1.50%) and 2,348 children belonging to national minorities (2.10%). Pre-school facilities employ 16,133 staff, 10,021 of whom are teaching staff and 6,112 other staff. A total of 721 expert associates are also employed – 314 pedagogues, 173 psychologists, 234 education and rehabilitation specialists (including 134 special education teachers/rehabilitators and 100 speech therapists), and 216 senior nurses – health managers.

Sixty-one kindergartens in the Republic of Croatia have been designated as practical training centres (laboratory schools) for students of higher education institutions offering training for kindergarten teachers and expert associates. Due to the high quality of their services, 14 kindergartens have been designated as centres of excellence for vocational training for kindergarten educational staff.

In the period between 1 January 2006 and 31 December 2009, with the financial support of the World Bank and State Budget funds, 96 new kindergarten facilities were equipped in municipalities and towns in the areas of special state concern in all counties of the Republic of Croatia, where no educational services had previously been provided to preschool-age children in a systematic manner. This resulted in an increase in the number of children included in pre-school education programmes by 9,450, which brought us closer to reaching the target set out in the Ministry's strategic document, i.e. the Education System Development Plan 2005-2010, whereby the coverage of pre-school children was planned to be increased from 43% in 2005 to 60% in 2010.

In 2010, 426 newly-approved pre-school education programmes will be implemented, adjusted to children's needs and abilities and based on the humanistic development approach. In this way, a pluralism of programmes will be fully achieved pursuant to the open Programme Orientation.

In 2010, 452 approved programmes for early foreign language learning for pre-school children will also be implemented. More than 69% of children aged between 4 and 6 learn one foreign language either as part of their regular kindergarten programme or in shorter courses organised outside the regular programme.

In the 2009/2010 academic year 436 approved sports programmes were also implemented, offering courses in rhythmic, dance, folklore, futsal, taekwondo, tennis, etc. In co-operation with the Croatian Olympic Committee, sports competitions are regularly organised in kindergartens, as part of the "Olympic Kindergarten Festival" project.

In partnership between kindergartens and hospitals, 4 programmes have been launched in hospitals in Zagreb and Sisak for preschool-age children with health problems.

In 2010 there were 50 kindergartens founded by religious communities in the Republic of Croatia, providing care to 4,145 children (48 Catholic kindergartens located in 55 buildings – founded by Catholic religious communities, sisters' orders, parishes, 1 Jewish kindergarten – founded by the Jewish Community of Zagreb, and 1 Evangelical kindergarten – founded by the Evangelical Church Community of Zagreb).

Catholic religious education is also provided in 295 kindergartens whose founders are towns and municipalities to preschool-age children whose parents have agreed for their children to be included in religious education programmes. A total of 15,000 preschool-age children are included in Catholic religious education programmes in kindergartens.

Since 11 May 2007, all kindergartens and other legal persons running pre-school education programmes have been obliged to introduce safety, protective and preventive measures into their annual plans and programmes, and draw up protocols of procedure for all kinds of emergency situations that may arise, in order to ensure children's safety in accordance with the national programmes.

Safety, protection and prevention programmes in kindergartens are designed to provide maximum safety for children and adults in kindergarten indoor and outdoor areas, by drawing up protocols of procedure for potential risk situations and assigning responsibilities to all employees and local community representatives for the removal of potential hazards.

Thus far, a total of 93 safety, protection and prevention programmes have been approved in kindergartens, accompanied with specially elaborated protocols of procedure.

Question by the Committee

Family counselling services – Family centres

To respond to the challenges posed by modern society on the family, which finds it increasingly more difficult to harmonise the professional and family life, and following the example of many developed countries in the world, in 2006 the Government of the Republic

of Croatia and the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity proceeded to establish family centres, after passing the relevant legislation.

Substantially, a family centre was a completely new form of institutional service intended for families. Family centres have primarily an advisory and preventive function, and their operations are based on voluntary participation of clients.

In the period 2006-2009 a total of 17 family centres were established for the territories of the Istria, Koprivnica-Križevci, Primorje-Gorski Kotar, Split-Dalmatia, Sisak-Moslavina, Vukovar-Srijem, Zadar, Bjelovar-Bilogora, Dubrovnik-Neretva, Krapina-Zagorje, Lika-Senj, Varaždin, Virovitica-Podravina, Karlovac, Požega-Slavonski Brod and Šibenik-Knin counties and the City of Zagreb.

As part of their remit, family centres provide expert assistance through services of professionally trained staff:

- to families, parents, children and other family members in understanding, accepting and responding to challenges inherent in actual or possible life situations or risks involved in specific family situations,
- to parents in finding the best solutions to raising their children or the best solutions for parent-child relationships,
- in situations of disrupted inter-partner relationships,
- in preventing domestic violence, and eliminating or mitigating the consequences of violence among and against children,
- to parents and other family members or other individuals in the area of protection under family law, family benefits and other social security rights,
- to married couples wishing to have a child via medically assisted procreation or adoption,
- to young married couples, pregnant women, women who have recently given birth and parents of newly born babies concerning child care,
- children from single-parent families,
- parents caring for their children as single parents, etc.

In addition to what is stated above, family centres also organise and implement group support programmes intended for particular social groups, organise public lectures and debates on specific issues in the area of the family, parenthood, raising and bringing up children, relationships among young people, and encourage the public, public institutions and citizens' associations to participate in activities aimed at preventing the occurrence of situations involving risk to the family and its members, etc.

A special emphasis in the activities of family centres has been placed on providing support to families in harmonising their family and professional responsibilities by implementing programmes intended to help parents overcome challenges in raising children and also to help them cope with new situations. By organising leisure activities, targeted and adapted to the needs of employed parents or to parents and children, family centres offer assistance to parents in their efforts to enable their children to develop a healthy personality, and also help prevent undesired behaviour in children and develop positive relationships and trust within the family and in children's social environment.

The planning and implementation of programme activities is based on the national policies, strategies and programmes adopted by the Government of the Republic of Croatia and the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity. In this context,

account is taken of the measures and activities for which the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity is the responsible subject, and which are implemented through the activities of family centres.

Accordingly, as well as in legal regulations, the activities of family centres are also based on the following national documents:

1. National Population Policy, adopted at the session of the Government of the Republic of Croatia on 16 January 2003
2. National Population Policy (Official Gazette 132/06)
3. National Strategy for the Protection from Domestic Violence 2008-2010 (Official Gazette 126/07)
4. National Strategy on Equal Opportunities for People with Disabilities 2007-2015 (Official Gazette 63/07)
5. National Programme for Young People 2009-2013, adopted at the session of the Government of the Republic of Croatia on 2 July 2009 (Official Gazette 82/09)
6. National Action Plan for the Rights and Interests of Children 2006-2012, adopted at the session of the Government of the Republic of Croatia on 22 March 2006
7. National Strategy for Preventing Behavioural Problems in Children and Young People 2009-2012, adopted at the session of the Government of the Republic of Croatia on 3 August 2008 (Official Gazette 98/09)
8. Programme of Activities for Preventing Violence among Children and Young People, adopted at the session of the Government of the Republic of Croatia on 25 February 2004
9. Protocol for Handling Cases of Violence among Children and Young People, adopted by a Conclusion of the Co-ordinating Committee on Social Activities and Human Rights of the Government of the Republic of Croatia on 12 October 2004
10. National Programme for Protecting and Promoting Human Rights 2008-2011 (Official Gazette 119/07)
11. Programme of Activities for Preventing Violence among Young People for 2009, adopted at the session of the Government of the Republic of Croatia on 8 June 2009
12. National Strategy for Suppressing the Abuse of Narcotic Drugs 2006-2012, adopted at the session of the Government of the Republic of Croatia on 2 December 2005
13. Action Plan on Suppressing the Abuse of Narcotic Drugs 2009-2012, and
14. Implementing Plan for the Action Plan on Suppressing the Abuse of Narcotic Drugs for 2009, adopted at the session of the Government of the Republic of Croatia on 12 February 2009.

A total of HRK 18,000,000.00 is provided each year on average from the State Budget of the Republic of Croatia to finance the activities of family centres. Individual projects of family centres are partly financed by units of local and regional self-government.

In view of the indicators showing that family centres have been recognised and accepted, funds will continue to be provided from the State Budget to finance their activities.

Family centres employ a total of 109 persons, 76 of whom are expert workers with a degree in humanities (social workers, psychologists, lawyers, special educationalists, rehabilitators, speech therapists, sociologists), and 33 administrative and accounting staff. Expert workers employed in family centres have been trained in providing counselling support to families, children, young people and people with disabilities, through individual and group work.

Family centres have been recognised at the local level, responding to the needs of today's families in preventive and counselling terms, which is best seen from the number of beneficiaries who approached them for advice, assistance or support. Expert staff provide counselling services appropriate to the needs of beneficiaries on a daily basis, through counselling work, individual or family counselling, provision of information and support, and by instructing beneficiaries about their rights.

In 2008 and 2009 a total of 38,654 beneficiaries were included in counselling and preventive programmes implemented by family centres, 15,302 of whom received individual counselling and 23,352 were included in preventive programmes and activities, which were organised by family centres.

Domestic violence against women

The *Protection from Domestic Violence Act* (Official Gazette 116/03) was passed by the Croatian Parliament in July 2003. Due to the need to improve the performance of all bodies obliged to proceed pursuant to the provisions of the Protection from Domestic Violence Act and the Protocol for Handling Domestic Violence Cases with the aim of providing effective protection to family members and following public complaints to the effect that certain provisions of the Protection from Domestic Violence Act could not be implemented because they had not been properly drawn up and, in particular, with a view to harmonising the Act with international guidelines and instructions, the Government of the Republic of Croatia launched an initiative to make amendments to the Protection from Domestic Violence Act. In drawing up these amendments, account was taken of the entry into force of the new *Misdemeanours Act* (Official Gazette 107/07), in particular, in so far as it related to sanctions – pre-trial custody, imprisonment, precautionary measures. The new Act, which was passed by the Croatian Parliament on 30 October 2009, takes as its object the prevention, sanctioning and suppression of all forms of domestic violence, the application of appropriate measures against perpetrators and the mitigation of the consequences of violence that has already been committed by offering protection and assistance to the victim. Furthermore, the definition of domestic violence contains a detailed explanation of the concept of "economic violence", the definition of the family has been expanded in that the family also includes former marital and *de facto* partners, these partners' own children and mutual children of the former couple, if, after the termination of the marriage or *de facto* union, the object of the dispute were previous relations within the marital or *de facto* union. Also, the new Act increased penalties for perpetrators in conformity with the provisions of the Misdemeanours Act, in that fines are now prescribed in an amount ranging from HRK 1,000.00 to 50,000.00, while the 60-day imprisonment was replaced by imprisonment for between 10 and 90 days. An adult perpetrator of domestic violence who re-commits domestic violence against a child or minor or a disabled person may be imposed a fine of at least HRK 15,000.00 or imprisonment for at least 60 days. In line with the provisions given in the National Strategy for the Protection from Domestic Violence a provisions was included in the Act on the need for a link-up between competent services (for example, social welfare services, health institutions and other competent bodies which have a duty to cater for the victim's needs and enable him or her access to relevant services). As a special novelty, we would like to mention the provision whereby competent state bodies will be obliged to collect statistical information on domestic violence, including those deriving from the police, health institutions, social welfare institutions, educational institutions, courts and public prosecution offices. We believe that the provisions of the new Act will contribute to more effective protection of victims, and that they will help prevent the occurrence of new domestic violence cases.

The *Criminal Code* (Official Gazette 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07 and 152/98) was passed by the Croatian Parliament in 1997, and some of its Titles specified criminal offences against family members. These are, in particular: "Criminal offences against marriage, family and youth", "Criminal offences against sexual freedom and sexual morality", and "Criminal offences against honour and reputation". An important step forward in the area of punishing domestic violence was made in 2000 when the criminal offence of "Violent behaviour within the family" was introduced in the Criminal Code (Article 215a which reads as follows: "A family member who by his or her violent, abusive or particularly insolent conduct puts another member of the family into a humiliating position shall be punished by imprisonment for three months to three years."). Additional changes were introduced in 2006 with the adoption of amendments to the Criminal Code relating to criminal offences committed against family. Article 89, item 30 was amended by deleting the words "who live in the same household" from the previous version, thus extending the scope of the criminal offence of (domestic) violence to cover relatives who are not members of the victim's household. Furthermore, if the criminal offence of physical injury (Article 98) is committed against a child or minor, proceedings are instituted by the public prosecution office, so it is not necessary to file a private charge.

The *Police Duties and Powers Act* (Official Gazette 76/09), which entered into force on 1 July 2009, introduced provisions on co-operation between the police and various bodies, organisations, communities, non-governmental organisations, civic organisations and citizens with the aim of creating partnerships in preventing and detecting unlawful conduct and identifying perpetrators of such conduct, and on especially considerate treatment of children, minors, elderly and infirm persons, disabled persons, and victims of criminal offences and misdemeanours.

The *Criminal Procedure Act* (Official Gazette 110/97, 112/99, 58/02, 62/03, 115/06, 152/08, 76/09) and the *Juvenile Courts Act* (Official Gazette 111/97, 27/98 and 12/02) laid down a number of measures aimed at protecting the security and privacy of personal and family life of victims and witnesses, and at preventing secondary victimisation. To this end, with the aim of protecting victims and witnesses, during criminal proceedings it is possible to undertake precautionary measures, order pre-trial detention, apply special arrangements for participation and interrogation of witnesses in the proceedings, restrict or exclude the public from the trial, remove the defendant from the courtroom, and apply measures to maintain order in the courtroom.

The *Witness Protection Act* (Official Gazette 163/03) laid down measures aimed at protecting witnesses and victims outside the context of criminal proceedings, which implies physical and technical protection, relocation, concealing the identity and ownership, and change of identity.

The *Act on Monetary Compensation for Victims of Criminal Offences* was passed on 2 July 2008 (Official Gazette 80/08), and it will enter into force on the day the Republic of Croatia joins the European Union. This Act provides for the right to monetary compensation for victims of intentional crimes of violence, the prerequisites and procedure for exercising the right to compensation, the bodies that render decisions and participate in the procedure for granting this right, and it also specifies the bodies and the procedure used in cross-border situations.

The *Anti-discrimination Act* (Official Gazette 85/08) create prerequisites for the realisation of equal opportunities and regulates protection against discrimination on the grounds of race, ethnic affiliation, colour, gender, language, religion, political or other belief,

national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, native identity, expression or sexual orientation.

The *Gender Equality Act* (Official Gazette 82/08) provides for general prohibition of discrimination on the grounds of gender, marital or family status and sexual orientation, and contains a provision whereby placing of women in a less favourable position on the grounds of pregnancy or motherhood is deemed to constitute discrimination. The content of the Act was supplemented and improved by including provisions relating to the application of the gender equality principle in the areas of employment and labour, and education; the obligation of the media to promote the raising of awareness of the equality between men and women; the collection of statistical data; the activities of political parties, etc. Furthermore, the Act introduced the obligation to use male and female titles of positions when rendering decisions on job assignment and other decisions on the rights and obligations of civil servants and in the area of education (imposing an obligation on all educational institutions to use male and female forms in certificates, diplomas and other documents).

National documents in the area relating to the prevention of domestic violence, and their implementation

The determination of the Government of the Republic of Croatia to pursue a policy whereby any form of violence is considered socially unacceptable is confirmed by the documents adopted by the Government. At the proposal of the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, in 2004 the Government of the Republic of Croatia adopted the *National Strategy for the Protection from Domestic Violence 2005-2007*. The special value of the National Strategy for the Protection from Domestic Violence lies in imposing on all competent bodies an obligation to examine, prevent and prosecute any form of domestic violence; undertaking preventive activities and providing assistance and information on the issue of domestic violence; launching a systematic and targeted fight against domestic violence and helping achieve a gender equality policy and co-operation between non-governmental organisations active in protecting domestic violence victims and state bodies in the development of the National Strategy. Special attention in the National Strategy was paid to providing support to the civil society, which plays a particularly important role in developing a network and various forms of assistance for victims of domestic violence.

On the basis of an assessment of the effects of the implementation of the National Strategy, on 29 November 2007 the Government of the Republic of Croatia adopted a new *National Strategy for the Protection from Domestic Violence 2008-2010* (Official Gazette 126/07). The new National Strategy contains a total of 49 measures divided into six areas: Training for experts working in the area of protection from domestic violence; Psycho-social treatment of perpetrators of domestic violence; Analysis and implementation of laws in the area of protection from domestic violence; Shelters and support for victims of domestic violence; Improving the position of victims in legal proceedings in which they are involved; and Raising public awareness of issues surrounding domestic violence. The Strategy elaborates in detail the arrangements for implementing the activities aimed at meeting the needs of domestic violence victims, and enhancing and upgrading the achievements made so far in this area, as well as further progress in creating new and strengthening the existing legal, educational, social and institutional frameworks in protecting domestic violence victims.

The goals of the new National Strategy are, amongst other things, to improve and intensify training programmes for the staff of state bodies on how to fight against domestic violence, ensure systematic training for professionals who will provide psycho-social treatment to perpetrators of domestic violence, harmonise the legislation of the Republic of Croatia with requirements arising from international and regional documents, improve the social position of victims, provide employment to victims, support the activities of civil society organisations protecting domestic violence victims, and raise public awareness of issues surrounding domestic violence.

Special attention in the National Strategy was paid to providing support to the civil society, which plays a particularly important role in developing a network and various forms of assistance for victims of domestic violence. In this context, we would like to single out Chapter IV "Shelters and support for domestic violence victims", which provides for creating prerequisites for finding systematic and permanent solutions to the need to provide care and legal and institutional protection to victims of domestic violence, which also implies the provision of funding for activities relating to all organised forms of protection to domestic violence victims, which are implemented not only by state bodies, but also by units of local and regional self-government.

With a view to supporting the activities of shelters for victims of domestic violence, as a result of the efforts made by the Government of the Republic of Croatia and the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, on 25 November 2008, International Day for the Elimination of Violence against Women, financing contracts were signed for the operations of 5 counselling centres and shelters for victims of domestic violence in the territories of the Istria, Zagreb, Brod-Posavina and Karlovac counties. The Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity provided a total of HRK 1,643,886.18 for the activities of five counselling centres and shelters for domestic violence in the 2009 State Budget. In this way, they contributed to the implementation of Measure 2 "Creating prerequisites for finding systematic and permanent solutions to the need to provide care and legal and institutional protection to victims of domestic violence" under Chapter IV of the National Strategy, in respect of which the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity was designated as one of the implementers. The associations providing counselling services and running shelters, which are financed from the aforesaid funds, include the Autonomous Women's House Zagreb, *Help Women Now* – Help line for women and children victims of domestic violence, the Brod Association – Group for Women's Human Rights, "Korak" Women's Group from Karlovac, and the "Istria Safe House" NGO. As well as for the said shelters, the Government of the Republic of Croatia earmarked funds in the 2010 State Budget for co-financing other counselling centres and shelters for victims of domestic violence, operated by civil society organisations in the territories of the Vukovar-Srijem County (B.a.B.e. NGO), Split-Dalmatia County (MIRTa NGO), Primorje-Gorski Kotar County (U.Z.O.R. NGO for the Protection of Families), Sisak-Moslavina County (ADELA Centre for Women) and Bjelovar-Bilogora County (IRIS NGO). The total funds earmarked in the 2010 State Budget for this purpose amount to HRK 2,529,827.67.

In the period between 2004 and 2009, the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity allocated HRK 10,055,928.82 for programmes and projects aimed at preventing domestic violence and helping victims of domestic violence. The co-operation with civil society organisations, targeted at raising public awareness of the issue of domestic violence and helping victims of domestic violence, continued in 2010.

It should also be noted that work is currently in progress on drawing up a National Strategy for the Protection from Domestic Violence 2011-2016.

In the National Strategy for the Protection from Domestic Violence special attention is devoted to disabled women who are victims of violence, as an especially important category in society. The measures from the National Strategy contain provisions guaranteeing additional protection to disabled women who are victims of violence, that is to say, they take into account their specific needs.

The report on the implementation of the measures from the National Strategy for the Protection from Domestic Violence in 2008 showed that competent state bodies had invested a great deal of effort, in professional terms, into preventing domestic violence and protecting domestic violence victims, in particular, in the sense of upgrading the legal and institutional system. In addition, major breakthroughs were made in the area of training for experts, civil and public servants and volunteers in identifying domestic violence cases and responding to them properly. The conduct of the relevant bodies helped expose domestic violence as a form of extremely unacceptable social behaviour which violates fundamental human rights and freedoms, and violence was perceived as a form of discrimination against women, who tend to be the most likely victims of domestic violence. The activities undertaken contributed significantly to the empowerment of competent state bodies and institutions and civil society organisations, and enhanced the co-ordination of their activities. Raising the awareness of the widest possible public about overall negative consequences of domestic violence on individuals and society and encouraging timely implementation of all activities necessary to minimise the destruction of the family as the most important unit of society in individual cases remains an imperative for all those responsible for implementing measures from the National Strategy for the Protection from Domestic Violence. The Report on the Implementation of the Measures from the National Strategy for the Protection from Domestic Violence for the Period 2008-2010 was produced in 2009, and the Government of the Republic of Croatia adopted this Report at its session of 4 August 2010.

Furthermore, the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity developed the *Protocol for Handling Domestic Violence Cases*, which was adopted by the Government of the Republic of Croatia in 2005 and amended in 2006. The Protocol is based on the regulations relating to protection from domestic violence and the National Strategy for the Protection from Domestic Violence. It contains a number of precisely defined measures to be undertaken by competent bodies within their remit and explains the forms, content and arrangements for co-operation between bodies involved in detecting and suppressing violence and providing assistance and protection to persons exposed to any form or modality of domestic violence (the police, centres for social welfare, health and educational institutions, judicial bodies). Special attention is given to how child victims and witnesses of domestic violence should be treated by competent bodies.

Collecting and analysing statistical data concerning domestic violence

Pursuant to the Protection from Domestic Violence Act (Official Gazette 137/09, 60/10), the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity is responsible for issuing an ordinance on the content of mandatory records and reports and the manner of collecting, processing and storing statistical data relating to the issues covered by the Act. Such an ordinance is currently being drawn up.

Research and publications relating to domestic violence

In 2008 the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, in co-operation with the Autonomous Women's House Zagreb, launched a pilot project researching into the treatment of women who are victims of domestic violence by their employers entitled "Economic Aspects of Domestic Violence against Women and their Children: Women and Employment – The Impact of Violence on Children", for which HRK 199,800.00 were spent. This research was focussed on the treatment of female victims of domestic violence by their employers, employers' attitudes towards hiring new employees who were victims of domestic violence, understanding their needs, opinions of female employees who were victims of domestic violence on how they are treated by their employers, experiences of unemployed female victims of domestic violence gained in job search, and the correlation between school performance of their children and change of social setting and conflicts within the family they have experienced.

Since 2005 the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity has been publishing on a regular basis the *Directory of Public Institutions, Organisations and Other Institutions Providing Assistance, Support and Protection to Victims of Domestic Violence*. The Directory is aimed at raising public awareness of issues surrounding domestic violence, informing potential beneficiaries about options and arrangements for obtaining protection in case domestic violence is committed against them, and informing them about public institutions, organisations and other institutions providing assistance, support and protection to victims of domestic violence.

Economic protection of the family

An overview of family benefits

Pursuant to the Child Allowance Act (Official Gazette 94/01, 138/06 and 107/07), the right to child allowance is granted subject to income test for all recipients, with the exception of those who have children with severe health impairments and of children of killed, interned and missing Homeland War veterans, pursuant to the Act on the Rights of Homeland War Veterans and Their Family Members (Official Gazette 174/04, 92/05, 107/07, 65/09 and 137/09), who can exercise the right to child allowance without being subject to income test.

Payment of child allowance in 2008 and 2009 was based on three income brackets, which allowed for a more equitable distribution of funds to child allowance recipients. A total of HRK 1,760,899,936.95 were paid in 2009 from the State Budget of the Republic of Croatia in child allowance and pro-natalist allowance to 213,994 recipients in respect of 403,233 children (the average number of recipients during these years was 212,214 and the average number of children was 402,528). The average number of recipients of pro-natalist allowance in 2009 was 46,439, and the total funds paid in pro-natalist allowance in 2009 equalled to HRK 363,789,000.00.

In October 2009, an expert *Working Group for Analysing the Implementation of the Child Allowance Act* was set up at the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity. The Working Group will, amongst other things, draw up a proposal for improving the relevant provisions of the Child Allowance Act, with the aim of ensuring its more effective implementation.

Along with setting up the *Working Group for Analysing the Implementation of the Child Allowance Act*, the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity co-operated with the Croatia Office of the United Nations Development Programme (UNDP) in preparing an analytical report entitled *The Role and Efficiency of Child Allowance and Social Assistance as Mechanisms of the Social Safety Net*. The Report provides data from which showing, amongst other things, that child allowance has a role to play in reducing child poverty in general, and mostly in households with four or more children. On the basis of the analyses conducted, the Report offers a number of recommendations for a more effective distribution of child allowance funds, which would, in the opinion of experts, allow for better targeting of the child allowance.

According to the statistical data of the CPII, the number of child allowance recipients in 2009 was around 215,000, and around 62,000 of these had a monthly income per household member in the amount of HRK 543.14, while around 72,000 earned up to HRK 1,119.54. Around 69,000 recipients were earning up to HRK 1,663.00 and around 12,000 were entitled to child allowance regardless of their income. Out of the total number of recipients, the number of workers' families was in the vicinity of 125,000. There were around 6,500 families of persons engaged in trades and crafts, around 3,000 farmers' families, around 20,000 pension beneficiaries and around 60,500 unemployed persons. The total number of children for which child allowance was paid in 2009 was around 410,000, compared to 2008 when around 230,000 recipients were entitled to that allowance in respect of around 440 000 children. The amount of child allowance in 2009 ranged between HRK 200 and 300, or up to the maximum of HRK 374 per child with a 15% or 25% increase. The exception were children with severe health impairments (around 12,000 children), who received HRK 831.50 in child allowance.

Protection of children

Pursuant to Article 99, paragraph 1 of the Family Act, irrespective of whether they live together or apart, parents care for their children equally, jointly and by mutual agreement, unless otherwise specified by that Act. Equality of parents in this respect implies equal responsibilities, rights and duties in parental care for the child. Parental care includes care for the child's health and life, raising the child, looking after the child, attending to his or her needs and supervising him or her, taking care of the child's education, joint life of parents and children, representation of the child and managing the child's property. Pursuant to Article 101 of the Family Act, if the parents cannot agree about the realisation of the elements of parental care or about the realisation of the child's rights, the court will make a decision in *ex-parte* proceedings to ensure the child's well-being, on a motion by a parent, the centre for social welfare or the child. Pursuant to Article 89 of the Family Act, in proceedings in which decisions are made affecting a right or interest of a child, the child has the right to be informed in an appropriate manner of the relevant circumstances of the case, to receive advice and express views, and to be informed of the possible consequences of compliance with these views. The child's views will be given due weight according to his or her age and maturity.

The *Act on Amendments to the Family Act* of 3 October 2007 introduced important changes with the aim of improving the substantive and procedural provisions relating to maintenance of children by:

- prescribing for the first time the minimum monthly maintenance sum payable by the parent with whom the child does not live, ranging from 17 to 22 percent of the average wage, depending on the child's age;

- providing that centres for social welfare are obliged to pay temporary maintenance unconditionally, from State Budget funds specifically earmarked for this purpose;
- providing that the child may claim maintenance arrears from the defaulting parent as from the date when the obligation was established, and not from the date when the claim was filed, as was the case earlier;
- taking into account the entire property of the parent when assessing his or her parental obligations towards the child(ren) with whom he or she does not live; the centre for social welfare is obliged to file and pursue a lawsuit for maintenance, to seek increase of maintenance under specific conditions, and to seek enforcement of a decision on child maintenance;
- obliging the court to issue an injunction already at the first hearing, ordering the defendant to pay to the plaintiff a specific sum in maintenance;
- obliging the court to institute enforcement proceedings *sua sponte* in certain legal matters concerning maintenance;
- introducing a provision on forced collection of the sums due for child maintenance which is different from previous arrangements in that all income may be subject to enforcement, with the exception of one fourth of the average wage in the Republic of Croatia.

Rights and obligations of spouses

Question by the Committee

In response to the Committee's question as to whether it is intended to extend the range of circumstances in which children's viewpoint is taken into account, we wish to state that work is currently in progress on assessing the impact of the Family Act, after which proposals will be made for amendments to relevant provisions.

Mediation services

Question by the Committee

In response to the question regarding mediation services, we wish to state that mediation services are provided free of charge on the entire territory of the Republic of Croatia, owing to the network of centres for social welfare, and that they have been assessed as being very effective.

Mediation services before divorce proceedings are instigated fall within the competence of Family Centres operating under the authority of the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity.

Domestic violence against women

Domestic violence against women represents the greatest proportion of total domestic violence, which the Republic of Croatia sanctions as a special criminal offence –*violent behaviour within the family* described in Article 215a of the Criminal Code, or as a misdemeanour in accordance with the provisions of the Protection from Domestic Violence Act.

Domestic violence is sanctioned as a criminal offence in cases in which the victim is forced into a demeaning position, in cases of long-term violence and violence of great intensity and consequences. In the Republic of Croatia, domestic violence was punishable as a misdemeanour according to Article 118 of the Family Act of 1999 until 30 July 2003, when the separate Protection from Domestic Violence Act entered into force. Article 4 of this Act prescribes the types of violence which disclose the elements of the misdemeanour of violent behaviour within the family. With the aim of improving the status of victims, on 18 November 2009, the amended Protection from Domestic Violence Act entered into force (OG 137/09 and 60/10).

In comparison to the earlier Act, the circle of persons considered members of the family was widened beyond married and common-law partners, direct line relatives without limitation, and relatives with consanguinity in the collateral line to the third degree, relatives by affinity to the second degree, persons who have lived together in a family or common-law union and their children, and persons who have joint children, adoptive parents, guardians and wards and children of former marital or common-law partners who are not their joint children, and foster parents and beneficiaries placed in a foster home. Furthermore, the provision was introduced by which the Act is also applicable to persons who, according to a separate regulation, live together in a same-sex union.

The Protection from Domestic Violence Act defines domestic violence as any form of physical, mental, sexual or economic violence, in particular:

- physical violence, i.e. the use of physical force, regardless of whether physical injury results or not,
- corporal punishment or other forms of behaviour which humiliate children for disciplinary purposes,
- mental violence, i.e. the use of mental coercion which causes feelings of fear, endangerment or harassment, or which injures personal dignity; verbal violence, verbal attacks, insults, swearing, the use of derogatory names or other forms of gross verbal harassment, stalking or harassment using any means of communication, or via electronic or printed media, or in any other form, or communication with a third party, unlawful isolation or threat to the freedom of movement (hereinafter: stalking and harassment),
- sexual violence or sexual harassment
- economic violence, meaning causing damage to or destroying personal or joint possessions, or prohibiting or hindering the use of personal or joint possessions, or attempting to do so, and denying or prohibiting the right to dispose of personal income or possessions gained through personal work or inheritance, hindering employment or work, coercing into economic dependence, or withholding the means for maintaining the joint household and care of children, or other dependent members of the joint household.

In comparison with the previous Protection from Domestic Violence Act, by the addition of separate penalty provisions, this Act emphasises the ban on corporal punishment and other forms of behaviour which humiliate children for disciplinary purposes, and gives a more detailed definition of economic violence and harassment using any means of communication or via electronic or printed media. It also introduces the legal obligation of the court to inform the Centre for Social Welfare if the victim of violence is a child, and the obligation of the social services and health service to care for the needs of the victim. Acts of violence committed against particularly vulnerable groups of children and disabled persons qualify as aggravated forms of misdemeanour.

As an additional mechanism for protecting victims of domestic violence, the possibility has been prescribed of issuing a restraining order preventing the perpetrator from approaching the victim, or ordering the perpetrator to cease harassing or stalking the victim or to leave the family home even before the misdemeanour proceedings are initiated, on the proposal the person exposed to violence or the police, in which case the court shall render a decision immediately, or within 24 hours at the latest. The fines and prison sentences applicable if violence is repeated to a child's detriment have been increased.

The Government of the Republic of Croatia has adopted the *Protocol on Handling Domestic Violence Cases*. In accordance with this Protocol, the police are obliged, among other things:

- to dispatch swiftly and without delay to the scene, whenever possible, at least two police officers (preferably of different sexes) for the purpose of intervention,
- take steps and actions immediately to protect and provide the necessary medical or other care for the victim of violence, and prevent the perpetrator from continuing the violent behaviour,
- enable the victim to tell a police officer, without interruption or fear, in a separate room, all the details relevant to establishing that an act of violence has been committed, in the absence of the perpetrator of violence,
- acquaint the perpetrator of violence with the measures which will be taken against him or her, with the aim of ending the violence immediately and helping the perpetrator to change his or her behaviour,
- remove any weapons which the perpetrator may legally possess and undertake measures to find and remove any weapons which the perpetrator may illegally possess,
- convey the perpetrator to the police station and perform misdemeanour or criminal investigation and take the perpetrator, with the charge papers, before the misdemeanour court, or before the investigating judge, in accordance with legal regulations in force,
- along with a proposal for holding the accused in custody until the start of his sentence, depending on the circumstances established and conditions met, request that appropriate protective measures or cautionary measures be issued,
- the police officers who convey the accused before the misdemeanour court, or the suspect before the investigating court, with the proposal for holding him in custody or detention, are obliged to wait and hear the decision of the misdemeanour or investigating court, and should the misdemeanour judge not order custody, or the investigating judge not order detention, the officers must inform the victim immediately,
- if a child or minor has been harmed or has witnessed the violence (if there are grounds for suspicion that the offence of *neglect and abuse of a child or a juvenile* has been committed), or if there are grounds for suspicion that the offence of *violent behaviour within the family* has been committed, police officers specialising in juvenile delinquency must be directly involved and take over proceedings; these officers lead and co-ordinate teamwork in the police system relating to protection from domestic violence,
- during proceedings, police officers are obliged to acquaint the victim of violence, in an appropriate and clear way, with his or her legal rights, and in particular with the appropriate protective measures and conditions for them being issued and applied, and with the measures and actions which the police will take in further proceedings against the perpetrator of violence, which are of particular importance for his or her protection (e.g. conveying the perpetrator to the police station, ordering custody and determining its length, accompanying the perpetrator to the misdemeanour or investigating judge with a custody or detention proposal, releasing the perpetrator immediately following questioning by the misdemeanour or investigating judge, the importance of the victim adopting self-protective behaviour and an attitude of co-operation, in order to contribute to

- effecting his or her own safety, a directory containing the addresses of institutions, organisations and other bodies which provide help, support and protection for the victims of domestic violence, as well as the opportunities for placing victims in shelters for victims of domestic violence, children's homes or homes for the adult victims of domestic violence),
- in preventing and resolving domestic violence, the police co-operate with other state bodies and NGOs according to the principles of inter-sectoral, multidisciplinary co-operation.

The police are obliged to treat the victims of criminal offences and misdemeanours with special care, as regulated by Article 14 of the *Police Duties and Powers Act*.

The Protection from Domestic Violence Act envisages a number of protective measures, as mechanisms for protecting the victims of domestic violence and responding to the violence committed, and also envisages the most effective preventive measures to prevent new violent behaviour. The police have been granted the power to carry out 3 protective measures: issuing a restraining order prohibiting access to the proximity of the victim, prohibiting harassment or stalking the person exposed to violence, and removing the offender from the flat, house or other type of accommodation. In carrying out these protective measures, the police adhere to the provisions of the Ordinance on the method of implementing protective measures, placed within the remit of the Police Force by the Protection from Domestic Violence Act. This Ordinance regulates the method for proceeding and all measures and actions which the police are obliged to undertake, with the aim of protecting victims and preventing the offender from repeating the violence.

Cautionary measures in the Misdemeanour Act and the Criminal Procedure Act also play an important part in protecting victims of domestic violence.

1. Measures undertaken to implement the legal framework

Training of police officers specialising in juvenile delinquency is carried out through the specialist Course in Juvenile Delinquency and Criminal Law Protection of Children and Young People, and lasts six weeks. Participants who complete the course successfully are awarded a certificate of specialisation in juvenile delinquency and criminal law protection of children and young people, which is the basic prerequisite for their being deployed within the police force in posts which deal with juvenile delinquency and criminal law protection, or posts involving protection from domestic violence.

The Police College has implemented a training programme in the area of domestic violence within the Basic Police Training Course for police officers: this covers criminal offences against marriage, families and young people, violent behaviour within the family – misdemeanour law, domestic violence (types, causes and consequences, types of offender, police procedures), strategies for resolving domestic violence, domestic violence – integrated exercises, and tactics for proceeding in cases of domestic violence.

Within the curricula of the Police College, the problem of domestic violence is covered from the legal point of view in these subjects: Criminal Substantive Law (2nd year of vocational and university studies); Criminal Procedural Law (2nd year of vocational and university studies), and Misdemeanour Law (2nd year of university studies). From the criminology point of view it is covered by these subjects: Criminology (1st year of vocational and university studies),

Criminology – Special Course (3rd year of vocational and university studies), and Juvenile Delinquency and Crime Affecting Children and Minors (4th year of vocational studies). From the criminalistics point of view, it is covered by these subjects: Criminalistic methodology (5th semester of vocational studies and 3rd year of university studies), and Methodology of Discovery, Investigation and Proof of Homicides and Sexual Offences (3rd year of vocational studies and 4th year of university studies). From the psychological aspect, it is covered by Forensics and Criminal Psychology (2nd and 3rd years of vocational studies), while from the sociological aspect it is covered by the subject Social Pedagogy. From the ethical point of view it is covered in Human Rights (1st year of vocational studies), Police Ethics (2nd year of vocational studies) and Human Rights and Police Ethics (4th year of university studies).

Since 2007, basic courses for police officers posted to perform operative duties at police stations have been provided on a continuous basis at the Zagreb Police Academy, in subjects related to domestic violence. By the end of 2009, 102 participants had completed this course, while 50 police officers from the Police Operative Communications Centres went through training on how to deal with cases of domestic violence.

Within the Module "The Police Act and Other Laws", on the topic "Police procedures in cases of domestic violence", training was carried out throughout 2008, attended by 461 police officers of the basic police force from the Zagreb Police Directorate.

With the aim of implementing as successfully as possible the specific provisions of the National Strategy for Protection from Domestic Violence, and in connection with training experts working in the area of protection from domestic violence, within the "MATRA" programme of the Ministry of Foreign Affairs of The Netherlands, and in co-operation with the Ministry of the Interior, the Ministry of Health and Social Welfare and the Ministry of Justice, the Society for Psychological Assistance (SPA) is carrying out a three-year project to suppress domestic violence in Croatia. Within the framework of this project, seminars are being held entitled "Capacity Building for Co-ordinated Responses to Domestic Violence in the Community", at which police officers, judges and social workers, amongst other things, can exchange experiences on ways of co-operating, among other things, with the aim of suppressing domestic violence. During 2009, 60 police officers attended such seminars. Within this project, a study trip to The Netherlands was organised for experts dealing with the problem of domestic violence in the Republic of Croatia, along with participants from other ministries, NGOs and other institutions. One female police officer from the General Police Directorate, specialised in juvenile delinquency and crime affecting young people and families, also took part in this study trip.

Furthermore, within the framework of the European Commission's TAIEX instrument for pre-accession assistance, a study trip was organised by the Bundestpolizeidirektion Wien for 6 police officers of the Ministry of the Interior and a female judge from the High Misdemeanours Court, to police departments and co-operating organisations in the Vienna area, during which the participants gained extremely useful knowledge of good practice, legal regulations, forms and methods of co-operation between various systems dealing with victims and perpetrators of domestic violence, particularly in the area of inter-sectoral co-operation with NGOs.

With the programme "ADA – Project in Croatia", organised by the Austrian Federal Ministry of the Interior, a cycle of three seminars was held in the area of police work in protection from domestic violence. The three modules were attended by about 20 police officers.

Police officers from the General Police Directorate participated in the Domestic Violence Experts International Meeting held in Prague, the Czech Republic, in April 2009. It was organised by the Czech Ministry of the Interior. Police officers also attended an international conference on domestic violence organised by the Embassy of the Republic of France in September 2009, in Skopje, Macedonia.

Pursuant to the Curriculum for Expert Training of Police Officers, police officers are trained continually, as are the heads of operative duty groups in police stations, in the area of domestic violence. This training gives them a higher level of expertise and professionalism in terms of implementing regulations and laws governing police procedures in cases of domestic violence, and in taking the appropriate measures to protect the victims of domestic violence.

2. Relevant statistical data

Table 1 – An overview of the situation and trends related to reporting the criminal offence of violent behaviour within the family referred to in Article 215a of the Criminal Code, the number of perpetrators, and the characteristics and the number of injured parties in the Republic of Croatia for the period between 1 January 2005 and 31 December 2009

YEAR	2005	2006	2007	2008	2009
Number of criminal offences committed	1857	1985	1798	1647	1400
Number of perpetrators reported	657	675	612	564	482
Total number of victims	1994	2112	1914	1713	1485
Number and percentage of female victims	1503 72.3%	1593 75.4%	1482 77.4%	1329 77.6%	1161 78.2%
Number of minor victims	132	63	92	86	99

Table 2 – Application of Article 18 in conjunction with Article 4 of the Protection from Domestic Violence Act – misdemeanour entitled "Violent behaviour within the family" in the Republic of Croatia for the period between 1 January 2005 and 31 December 2009

YEAR	2005	2006	2007	2008	2009
Number of persons reported for committing a misdemeanour	14246	15277	17391	16169	16496
Number of those brought before the misdemeanour judge	4052	6263	7032	6610	7872
Number of victims	17991	20983	22158	20566	22140
Number of minor victims	3155	4010	4187	3937	4862
Number of female victims	11606 64.5%	13438 64.04%	14409 65.03%	13321 64.77%	14278 64.5%

Table 3 – Number of protective measures whose enforcement was placed within the competence of the police, by number of measures proposed by the police and number of measures enforced by the police on the basis of court judgements that have been delivered, for the period between 1 January 2005 and 31 December 2009

	Order restraining access to the victim of violence		Prohibition of harassment or stalking a person exposed to violence		Removal from the flat, house	
	Police	Court	Police	Court	Police	Court
2005	237	34	25	10	158	10
2006	849	203	285	45	508	91
2007	1128	379	402	102	583	128
2008	788	265	233	72	377	109
2009	1099	388	403	95	486	164

Protection from domestic violence is guaranteed, amongst other things, by the Criminal Procedure Act (Official Gazette 152/08 and 76/09), which contains provisions on interrogation of witnesses and protection of victims' and injured parties' rights. A victim is

defined in Article 202, paragraph 10 of the Act, while the rights of victims are laid down in Chapter V. It regulates general rights enjoyed by every victim (Article 43, paragraph 1) and, in particular, the right to effective psychological and other professional assistance and support of a body, organisation or institution specialised in providing assistance to victims of criminal offences in conformity with law; the right to participate in criminal proceedings as an injured party, and other rights laid down in the Act. A victim of a criminal offence against sexual freedom or sexual morality, in addition to the above, has the following rights: the right to a defence attorney at the expense of the State Budget, the right to the confidentiality of personal information, the exclusion of the public from the trial, the right to an individual session with a counsellor before the interrogation at the expense of the State Budget, the right to be interrogated in the police or public prosecution office by a person of the same sex, the right to decline to answer a question strictly relating to his or her personal life, the right to be interrogated in his or her own home or other premises where he or she stays, the right to be interrogated via audio-video equipment. If the condition of the witness so requires, the interrogation will be conducted in such a way that the parties may ask him or her question without being present in the room where the witness is located. A victim of a criminal offence is entitled to compensation of pecuniary and non-pecuniary damage payable from the relevant state fund, under the conditions and in the manner laid down in a special law.

The court and the public prosecutor may impose a precautionary measure in the form of a restraining order prohibiting access to the proximity of a specific person.

Pursuant to the Criminal Code, the offence of violent behaviour within the family carries a punishment from six months to five years in prison.

A victim is entitled to participate in the criminal proceedings in the same way as an injured party, which means that he or she has the right, amongst other things, to call attention to facts and propose evidence, attend an evidentiary hearing, be present at the trial and during the presentation of evidence, present closing arguments, lodge an appeal, file a motion for prosecution and a private charge, assume criminal prosecution from the public prosecutor.

Also, the Ministry of Health and Social Welfare concluded contracts with nine legal persons carrying out activities related to providing care to children and adults who are victims of domestic violence. They are located in the areas of Bjelovar, Rijeka, Varaždin, Split, Osijek, Zagreb, Zadar, Vukovar and Šibenik. All together, they can provide accommodation to 134 persons and are intended for women and their children whose lives and safety are in a great danger. They offer temporary accommodation and can not provide any permanent solution in terms of housing. All these legal persons have been operating for a while, with the exception of two new subjects in the areas of Vukovar and Šibenik, with which contracts were concluded in 2009, thus increasing the aggregate capacity by 19 places. As part of all these legal persons counselling services are provided to victims of violence, and in some of them counselling centres have been established, which operate in separate premises and are available to anyone interested, not only to women accommodated in these homes. This continues to be possible only in Rijeka, Split, Osijek and Zagreb.

In the procedure of distributing the proceeds of games of chance, every year the Ministry of Health and Social Welfare provides financial support for projects proposed by organisations carrying out social and humanitarian activities aimed at implementing larger social welfare projects relating to the implementation of measures from national strategies, plans and programmes, as well as those relating to shelters for victims of domestic violence and to

provision of psycho-social and legal assistance to women and children who are victims of domestic violence.

The Ministry of Health and Social Welfare has also supported a multi-sectoral training project for professionals in the area of domestic violence, by which the Society for Psychological Assistance, in co-operation with Dutch experts from the Movisie organisation and as part of a three-year Matra project run by the Dutch Ministry of Foreign Affairs, has provided funding for a project involving further training for professionals. Work is currently in progress on organising a seminar entitled "Improving inter-sectoral co-operation in suppressing domestic violence at the community level". This professional training programme is designed for professionals working directly with victims and perpetrators of domestic violence – the staff of social welfare services, the police, judicial and health staff and the staff of non-governmental organisations, and has surely contributed to addressing this social phenomenon better, in a more organised fashion and in co-ordination among themselves, with an emphasis on enhancing inter-sectoral co-operation in this area of activity. In 2009, this project was implemented in three counties: the Zagreb County, the Šibenik-Knin County and the Primorje-Gorski Kotar County. A total of 43 employees of social welfare services have so far completed this training. This project also includes supervision meetings for those who have received training. It is planned to provide training to additional 409 persons in 2010. As part of this programme, training will be provided to 538 persons responsible for implementing the laws providing sanctions for domestic violence.

The existing protocol for handling domestic violence cases provides that health staff and those collaborating with health institutions are obliged to report any suspicion of domestic violence to the competent police directorate or the municipal public prosecution office. It has been noticed that the existing data monitoring system at the Croatian Institute for Health Insurance makes it possible to monitor data on reported physical injuries in general, but physical injuries reported to have been caused by domestic violence are not specifically monitored, so work has begun on preparing documents, drawing up new reporting forms and establishing higher quality indicators for monitoring required data. The system of collecting information on domestic violence is currently being reorganised and the methodologies used in this system are being improved, in line with the National Policy for Promoting Gender Equality 2006-2010.

Furthermore, the Office for Gender Equality of the Government of the Republic of Croatia, as part of its operations and within its remit, has been undertaking a number of activities aimed at implementing Recommendation (2002)5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence and co-operates on a regular basis with the Council of Europe's Steering Committee on Gender Equality. The head of the Office is a member of the Steering Committee and the Office represents the Republic of Croatia on this Committee. In co-operation with the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity and other competent bodies, the Office submits to the Steering Committee regular reports on the implementation of the aforesaid Recommendation in the Republic of Croatia, that is to say, on measures and actions the Republic of Croatia, as a member of the Council of Europe, has been undertaking with a view to combating violence against women.

To elaborate on what was said above, we wish to state that the Office participated in the implementation of the *National Campaign for the Suppression of Domestic Violence against Women* which was conducted in the Republic of Croatia as part of the *Council of*

Europe Campaign to Combat Violence against Women, Including Domestic Violence, and that a representative of the Office participated in the activities of the *National Committee for the Implementation of the Council of Europe Campaign to Combat Violence against Women, Including Domestic Violence*, as one of its members. As part of the preparations for the launch of the campaign, the Office, on the basis of the information received from competent bodies of state administration, produced a consolidated **Report on the Degree of Harmonisation of Croatian Legislation with the Council of Europe Recommendation (2002)5 to member states on the protection of women against violence** and submitted it to the Council of Europe's Directorate General of Human Rights. In addition, it printed the Recommendation in a print run of 2,000 copies and distributed it to bodies of state administration, units of local and regional self-government, non-governmental organisations and other institutions, with the aim of raising public awareness of issues surrounding domestic violence.

Also, in line with the *Council of Europe Recommendation (2002)5 to member states on the protection of women against violence* and the *National Policy for Promoting Gender Equality 2006-2010*, the Office set up the Working for Carrying Out an Analysis and Drawing Up an Action Plan for Combating all Forms of Violence against Women, including by collecting statistical data. The Working Group has 11 members, representatives of relevant ministries, state bodies and non-governmental organisations.

The tasks of the Working Group are to carry out an analysis of the state of affairs regarding violence against women, draw up a proposal for an *Action Plan for Combating all Forms of Violence against Women* and draw up a proposal for a *Protocol for Handling Sexual Violence Cases*.

The Working Group has drawn up a proposal for the Protocol, aimed at providing appropriate assistance and support to victims of sexual violence, in line with the *Council of Europe Recommendation (2002)5 on the protection of women against violence*. In the first place, the Protocol was developed in response to the need to introduce a standard procedure for the treatment of victims of sexual violence, regardless of their age, the place in which the violence occurred, their gender and/or other personal characteristics. The standard procedure will ensure uniform practices of all competent bodies and institutions in the Republic of Croatia and provision of high-quality and victim-oriented assistance and support. The second main goal of the Protocol is to acquaint all persons from state institutions, bodies and non-governmental organisations responsible for dealing with the problem of sexual violence with options available to each of the subjects involved in reporting and prosecuting violence and providing care to victims of sexual violence, and also with their rights and obligations. The third main goal of the Protocol is to make a long-term impact on reducing sexual violence as a result of which we can expect an increased likelihood of reporting the occurrences of such violence, prosecuting it and convicting its perpetrators, and the establishment of systematic and effective mechanisms for protecting and assisting victims of this criminal offence.

Pursuant to Article 18, paragraph 2, indent 4 of the *Gender Equality Act* (OG 82/08), the Office is also responsible for creating the national policy for promoting gender equality and for supervising its implementation. So, with a view to eliminating discrimination against women and establishing genuine gender equality, in 2006 the Croatian Parliament adopted the *National Policy for Promoting Gender Equality 2006-2010* (OG 114/06). Chapter 5 – **Violence against Women** of the *National Policy* sets out the following goals to be achieved through implementation of 25 measures by bodies of state administration, other state bodies, units of local and regional self-government, other institutions and non-governmental

organisation, as implementers and co-implementers: to combat and eliminate domestic violence through implementation of existing laws, strategies and other regulations, and to eliminate all other forms of violence against women.

In the context of the implementation of the *National Policy*, it should be noted that the Head of the Office participated in the activities of the Working Group charged with developing the *National Strategy for the Protection from Domestic Violence 2008-2010*, as one of its members. To support the development of this Strategy, the Office provided proposals and conclusions made at the *2nd Co-ordinating Meeting of County Commissions on Gender Equality* on how to produce written reports relating to domestic violence, which were included in the proposal for the *National Strategy*.

The Office provided the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity with a working proposal outlining the standard methodology of reporting on the implementation of the *Protocol on Handling Domestic Violence Cases*.

Since 2009 the Head of the Office has been a member of the *Commission on Improving the Protection against Domestic Violence*.

Under the appropriation for the Office in the State Budget of the Republic of Croatia there is a special item entitled *Implementation of the National Strategy for the Protection from Domestic Violence*, from which funds are allocated each year for the implementation of the National Strategy, in accordance with the obligations imposed on the Office. Based on this, the Office, through its regular funding scheme for NGO projects, provides systematic financial support for non-governmental organisations involved in the prevention and suppression of various forms of violence against women, and engages in other forms of co-operation with them (co-organising forums, round table discussions, etc.).

The Office arranged for the printing of the *UN Declaration on the Elimination of Violence against Women*, which was published in daily newspapers to commemorate 22 November – International Day for the Elimination of Violence against Women in 2007 and 2008, and is regularly distributed to state and other bodies and non-governmental organisation. It has also commissioned the translation of the *Feasibility Study for a Convention against Domestic Violence* produced by the European Committee on Crime Problems (CDPC) of the Council of Europe.

Moreover, in co-operation with the non-governmental organisation "Women's Room – Centre for Sexual Rights" of Zagreb, the Office is conducting a research entitled *Protecting the Rights of and Providing Support to Victims/Witnesses of Domestic Violence*. The aim of the research is to design a meaningful and rational policy for the future.

In line with its statutory authority, the Office has been continually raising the awareness of the wider public about the need to improve the position of female victims of all forms of violence and, both autonomously and in conjunction with other state bodies and non-governmental organisations, it is actively involved in commemorating 22 September – National Day for the Elimination of Violence against Women, 25 November – International Day for the Elimination of Violence against Women, and other dates relevant to promoting human rights and improving the position of victims of domestic violence.

Vulnerable families

Question by the Committee

In relation to the Committee's conclusion that equal treatment of nationals of other States party in the payment of family benefits is not ensured because of excessive residence requirement, we would like to point out, in connection with exercise of social welfare rights, that Article 11 of the Social Welfare Act provides that social welfare rights as specified in that Act may be granted to Croatian nationals and stateless persons who have permanent residence in Croatia. Furthermore, persons who do not belong to any of the said categories may exercise social welfare rights on a temporary basis, under the conditions laid down in the Act, if their life circumstances so require. In particular, we would like to stress that the provisions of the Social Welfare Act on exercise of social welfare rights relate to all vulnerable groups, including Roma families. In addition to the funds provided in the State Budget, EU pre-accession funds are also used for this purpose. In these projects priority is given to national minorities as a part of the target group, and it is currently planned to carry out a project with the Roma minority as the dominant target group.

TABLE 1: DISTRIBUTION OF HOUSEHOLDS BY TYPE OF HOUSEHOLD AND AVERAGE NUMBER OF HOUSEHOLD MEMBERS

	Total	Single-person households				Couples without children		Couples with children			Other types of households		Other	
		Adult 65+	Person aged 30-64	Person younger than 30	Single parent with children	Adult 65+	Person under the age of 64	Couples with one child	Couples with two children	Couples with three or more children	One parent or couple with at least one older child	One parent or couple with at least one adult child	Households with several generations (all related by kinship)	Households with members not related by kinship
Distribution of households, %	100.0	15.3	7.2	1.3	0.6	11.1	9.2	4.2	6.4	2.0	8.5	15.6	17.7	0.9
Average number of members (according to sample)	2.8	1.0	1.0	1.0	2.5	2.0	2.0	3.0	4.0	5.3	3.9	3.2	4.2	3.6

TABLE 2: DISTRIBUTION OF HOUSEHOLDS BY SOCIO-ECONOMIC STATUS, %

Total	Manual worker – private sector	Non-manual worker – private sector	Manual worker – public sector	Non-manual worker – public sector	Self-employed	Farmers	Unemployed	Pensioners	Incapable for work	Other
100.0	12.6	4.0	8.1	8.1	5.5	10.0	5.0	42.7	1.8	2.3

TABLE 3: DISTRIBUTION OF HOUSEHOLDS BY ECONOMIC SITUATION, %

Total	Head of the household and his or her spouse are both employed		Either the head or his or her spouse are employed		Neither the head nor his or her spouse are employed	
	- at least one other person is employed	- no other person is employed	- at least one other person is employed	- no other person is employed	- at least one other person is employed	- no one in the household is employed
100.0	6.6	21.7	8.4	22.0	8.1	33.2

Article 17 – Right of mothers and children to legal and economic protection

With a view to ensuring the effective exercise of the right of mothers and children to social and economic protection, the Contracting Parties will take all appropriate and necessary measures to that end, including the establishment or maintenance of appropriate institutions or services.

National legislation:

- Juvenile Courts Act (OG 111/97., 27/98. i 12/02)
- Act on Social Welfare (OG 73/07, 27/01, 59/01, 82/01, 103/03, 44/06 and 79/07)
- Ordinance on the type of activity and social care, how to provide care outside the family, conditions of space, equipment and workers' social care, therapeutic communities, religious communities, associations and other legal persons, and help center and home care (OG 64/09)
- Regulation amending the Regulation on Internal Organisation of the Ministry of Health and Social Care(OG 02/09)
- National Programme for Suppressing Trafficking in Human Beings

General legal framework

As regards the protection of children and young people from neglect, violence or exploitation, it should be stated that minors are specially protected in the event of criminal offences against sexual freedom and sexual morality and of criminal offences against marriage, family and youth (Article 191 of the CC – Sexual Intercourse by Abuse of Position, Article 192 of the CC – Sexual Intercourse with a Child, Article 193 of the CC – Lewd Acts, Article 194 of the CC – Satisfying Lust in the Presence of a Child or a Juvenile, Article 195 of the CC – Pandering, Article 196 of the CC – Abuse of Children or Juveniles in Pornography, Article 197 of the CC – Introducing Pornography to Children, Article 197a of the CC – Child Pornography in a Computer System or Network, Article 208 of the CC – Breach of Family Obligations, Article 209 of the CC – Failure to Provide Maintenance, Article 210 of the CC –

Abduction of a Child or a Juvenile, Article 211 of the CC – Change in Family Status, Article 212 of the CC – Child Desertion, Article 213 of the CC – Neglect and Abuse of a Child or a Juvenile, Article 214 of the CC – Non-marital Cohabitation with a Juvenile, Article 215 of the CC – Obstruction and Failure to Perform Measures to Protect a Child or a Juvenile, Article 215a of the CC – Violent behaviour within the family).

In addition to the aforesaid provisions, if criminal proceedings are instituted for the criminal offence of Physical Injury committed against a child or juvenile, proceedings are instituted *sua sponte* (Article 102 of the CC), while in the case of the criminal offence of Exposure Of Personal or Family Conditions (Article 201 of the CC), special incrimination is envisaged for an official or other person who has committed this offence against a child while carrying out his or her professional duty. Article 175 of the CC – Trafficking in Human Beings and Slavery (paragraphs 2 and 3) and Article 178 of the CC – International Prostitution (paragraph 3) provide for aggravated form of the offence when it is committed against a child or a minor.

Unless otherwise prescribed by a special law, a child witness is questioned by a judge of investigation. Questioning is conducted without the presence of the judge or the parties in the room, using audio-video equipment operated by an expert assistant. The questioning must take place with the assistance of a psychologist, pedagogue or other expert person and, unless this would be contrary to the interests of the proceedings or the child, the child's parent or guardian is also present. The parties may pose questions to the child witness subject to approval of the judge of investigation, via the expert person. The questioning will be recorded using technical equipment for audio or video recording. The recording will be sealed and attached to the official record. The child may be questioned again, following the same procedure, but only in exceptional situations.

Unless otherwise prescribed by a special law, a minor witness is questioned by a judge of investigation. The questioning of a minor will be conducted in an especially considerate manner, in particular if the minor was injured by the criminal offence, in order to avoid any harmful influence of the questioning on the minor's psychological condition. As the case may be, the questioning may be conducted in the same way as described above regarding the questioning of children, taking special account of the protection of the minor.

Question by the Committee

The criteria for selecting a correctional measure are prescribed by the Juvenile Courts Act (Official Gazette 111/97). Namely, Article 7 of this Act provides that when selecting a correctional measure, the court shall take into account the minor's age, his or her physical and mental development, his or her mental traits and personal inclinations, the seriousness and nature of the offence committed, motives for, and circumstances in which he or she committed the offence, his or her behaviour after committing the offence, and especially, whether he or she tried to prevent the occurrence of damage or made efforts to undo the damage; his or her living conditions, health, family circumstances, education and upbringing; whether he had a criminal record before committing the offence in question, whether he had already been imposed a juvenile sanction; as well as any circumstances that may affect the choice of such correctional measure by which the purpose of correctional measures will best be achieved. Based on these criteria and pursuant to Article 14 of the same Act, the court shall refer a minor to a correctional facility when it is necessary to separate him or her from the surroundings in which he or she lives and, with the assistance, care and supervision of youth

counsellors and other professionals, make sure that a more permanent influence is exerted on his or her personality, development and upbringing, particularly with regard to his or her education and vocational training. The correctional measure can be executed in small housing units linked with educational, labour, entertainment, sports and other facilities existing in the community concerned. The minor may stay in the correctional facility for at least six months, but for not longer than two years. Every six months the court decides whether there are grounds for suspending the execution of the measure imposed or replacing it with another correctional measure (Article 17, paragraph 2).

The execution of sanctions, i.e. juvenile imprisonment and referral to a correctional institute, is within the competence of the Ministry of Justice. The Ministry of Health and Social Welfare keeps records of the following information:

	2005	2006	2007	2008	2009
Number of minors referred to a juvenile prison	71	66	65	62	57
Number of minors referred to a correctional institute	124	130	140	151	155

Juvenile offenders

The data on of minors who were given prison sentences in the period between 1 January 2005 and 31 December 2009 and of minors serving juvenile prison sentences is as follows:

Period	Age (14-16)	Age (16-18)
Turopolje Correctional Institute – correctional measure (males)		
1 Jan - 31 Dec 2005	2	24
1 Jan - 31 Dec 2006	4	20
1 Jan - 31 Dec 2007	10	35
1 Jan - 31 Dec 2008	5	36
1 Jan - 31 Dec 2009	3	38
Total 2005-2009	24	153
Požega Correctional Institute – correctional measure (females)		
1 Jan - 31 Dec 2005	2	12
1 Jan - 31 Dec 2006	2	15
1 Jan - 31 Dec 2007	1	2
1 Jan - 31 Dec 2008	6	3
1 Jan - 31 Dec 2009	4	7
Total 2005-2009	15	39
Požega Penitentiary – juvenile prison (males)		
1 Jan - 31 Dec 2005	0	3
1 Jan - 31 Dec 2006	0	0
1 Jan - 31 Dec 2007	0	3
1 Jan - 31 Dec 2008	0	0
1 Jan - 31 Dec 2009	0	0
Total 2005-2009		6

As regards the possibility of ordering detention of minors in preliminary proceedings, this is regulated by the Juvenile Courts Act (OG 111/97, 27/98, 12/02), which has been in force since 1 January 1998.

Namely, Article 73 of this Act provides that a juvenile judge may order that the minor be detained if the reasons referred to in Article 102, paragraphs 1 and 2 of the Criminal Procedure Act exist. Detention may only be ordered as a measure of last resort, in proportion to the seriousness of the offence and the expected sanction; its length shall be minimal and it shall be ordered only if the same purpose can not be achieved by the application of precautionary measures (as prescribed by the Criminal Procedure Act) or measures of temporary accommodation in a social welfare institution.

Based on the ruling on detention issued by a juvenile judge, such detention may only last one month. The panel of the same court may, for justified reasons, prolong the detention for another month, but for not more than one additional month.

Namely, the application of detention as a measure of last resort in preliminary proceedings conducted against a minor can only be considered if there are statutory grounds for ordering it and if the purpose of punishment can not be accomplished by applying an alternative precautionary measure (laid down by the Criminal Procedure Act) or an interim measure pursuant to the Juvenile Courts Act. In addition, detention must be "in proportion to the seriousness of the offence and the expected sanction", which means that the offence committed must be, in essence, a serious criminal offence which is punishable by referral to a correctional institute or by juvenile imprisonment.

The Act limited the application of detention in two respects – in terms of quantity ("measure of last resort") and in terms of time ("in the shortest possible duration"). Such restrictive application of detention in the JCA is in full compliance with UN Standard Minimum Rules whereby "Detention pending trial shall be used only as a measure of last resort and for the shortest possible period of time" (Rule 13.1) and "Whenever possible, detention pending trial shall be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home" (Rule 13.2).

Detention is ordered by the juvenile judge in charge of conducting the preliminary proceedings. The judge is obliged to inform, without delay, the juvenile's parents or guardian, the institution, if he or she was accommodated in one, and the competent centre for social welfare.

The longest duration of detention during preliminary proceedings is three months and within this period the public prosecutor for juveniles must make a proposal for the application of a correctional measure or for the punishment to be inflicted on the minor.

The Juvenile Courts Act contains special provisions on the conditions of detention of minors, stating that minors are as a rule detained separately from adults.

The juvenile judge may order that a minor be detained together with adults if the isolation of the minor would last for a longer period of time and if it is possible to place the minor in the same premises with an adult who would not exercise harmful influence on him or her.

Detained minors must be allowed to work and, if possible, to undergo training beneficial for their development and occupation.

When carrying out supervision of how detained minors are treated, and especially having in mind the detained minors' young age, the juvenile judge must visit detainees, receive oral and written complaints from them, and take appropriate actions with a view to rectifying the irregularities detected.

The special regime of detention for minors is intended to reduce, to the greatest possible extent, any harmful consequences that they may suffer as a result of detention. In this sense, the Act prescribes that, while in detention, minors must be separated from adult detainees, and allows their accommodation with adult detainees only in exceptional cases. It would be desirable to organise occupational therapy and educational activities for detained minors, subject to available resources.

The duration of detention in the period between the filing of a proposal for imposing a sanction and the moment when the court decision becomes *res iudicata* may not exceed one half of the time prescribed by the CPA.

The existence of statutory grounds for further application of the measure of detention in the period between the filing of a proposal for imposing a sanction and the moment when the court decision becomes *res iudicata* must be checked each month.

The measure of temporary accommodation of a minor in an institution and the measure of detention may be ordered against a minor in the stage of imposing juvenile sanctions before the juvenile panel of the competent court, if the reasons for which they were imposed continue to exist.

The Act limits the duration of detention in the period between the filing of a proposal for imposing a sanction and the moment when the court decision becomes *res iudicata* to one half of the time prescribed for adult defendants, and each month the juvenile panel is obliged to check whether there are statutory grounds for the continuation of detention.

When it comes to issues relating to children and young people, the following documents have been adopted: the National Action Plan for the Rights and Interests of Children 2006-2012, the National Programme for Young People 2009-2012, and the National Strategy for Preventing Behavioural Problems in Children and Young People 2009-2012.

Protection of women in the context of criminal law is ensured by the Protection from Domestic Violence Act. Special protection is provided to children, who are protected by the provisions of the Protection from Domestic Violence Act and by defining special criminal offence against children in the Criminal Act, which are specifically listed in Article 117 of the Juvenile Courts Act (the data on the number of detected and reported criminal offences is given in Table 4).

The activities relating to prevention and criminal investigation of offences committed against children and those committed by children are carried out by police officers specialising in juvenile delinquency and crimes against young people and the family at the national level (the General Police Directorate), regional level (20 police directorates) and local level (139 police

stations). A total of 211 positions of police officers specialising in juvenile delinquency and crimes against young people and the family have been provided at these three levels.

Begging

The next vulnerable group are child beggars on the streets and squares. Begging, whether by children or adults, is a misdemeanour, prescribed by the following provisions of the *Act on Misdemeanours against Public Order and Peace*:

Article 11: resorting to vagrancy and begging

Article 22: encouragement on the part of a parent or guardian for a child to commit a misdemeanour

Article 27: responsibility of the parent or guardian whose child commits a misdemeanour for that misdemeanour.

Police officers of all police directorates, pursuant to previous agreements reached at conferences of the competent state bodies during 2006 and 2007, carry out targeted activities in order to provide protection for child beggars under misdemeanour law and criminal law. These activities intensify during the winter months and Christmas and New Year holidays, when there are greater numbers of beggars on the streets of large towns and cities.

Police officers in civilian clothes carry out surveillance of public places where children beg, and if they catch a child begging, they remove him or her from the street, after which expert workers from the competent Centre for Social Welfare take further action, with the aim of protecting the child (for data on the number of children caught begging, see Table 6).

Peer violence has been recognised by all state bodies as a problem which threatens the safety of children and young people. In October 2004, the Government of the Republic of Croatia adopted the Protocol for Handling Cases of Violence among Children and Young People, which had the aim of clearly defining the obligations and responsibilities of all state bodies and institutions in suppressing this form of violence. Each year, the Government adopts a Programme of Activities for Preventing Violence among Young People. In the case of violence being reported or suspected among children by an educational institution, children's home, or social welfare centre, a child, a parent, legal representative or third party, the appointed expert attached to a police station for co-ordinating activities linked to the problem of violence among children and young people, or the person deputising for him or her in his or her absence, is obliged to:

- send immediately a police officer specialising in juvenile delinquency, or, in exceptional cases, another police officer, to take the necessary, undeferrable measures and actions, should a specialist officer not be available, to the scene, to establish the facts and circumstances relating to the report or suspicion, and take the necessary action to provide help for the victim, prevent the violence from continuing, and provide medical assistance for the victim;
- acquire the details needed in order to clarify the case, establish the possible existence of elements of criminal activity, and identify the perpetrator(s);
- instruct police officers, in cases in which they have intervened, when the existence is established of well founded suspicion that a misdemeanour or crime has been committed, to proceed in accordance with the regulations regarding their competence;

- carry out criminal processing of minor perpetrators of violence in the presence of their parents or legal representatives, and if these are not available, in the presence of a worker from the social welfare services;
- in accordance with regulations in force, carry out an urgent investigation and, depending on the circumstances in the case, file a crime report to the competent public prosecutor for young people, or submit a request for the initiation of misdemeanour proceedings, with a proposal for issuing adequate protective measures;
- inform the competent centre for social welfare of the report or suspicion received of violence among children and young people, in order for measures to be taken regarding family law protection;
- keep appropriate records of protected information on cases of reports or suspicions of violence among children and young people.

In 2005, the Government of the Republic of Croatia adopted the Protocol for Handling Domestic Violence Cases, which contains, among other things, provisions for protecting women, and additional provisions for protecting children from domestic violence, clearly demarcating the obligations of the police.

In cases in which a report is received (in whatever way, and whoever from) of violence, or a request is received for help from a person exposed to any kind or form of domestic violence, the expert police official is obliged to proceed in the following manner:

1. to dispatch swiftly and without delay, whenever possible, at least two police officers (preferably of different sexes) to the scene for the purpose of intervention, i.e. to investigate the report or request (even if the house or flat is closed); on the basis of what they find, to take steps and actions immediately to protect and provide the necessary medical or other care for the victim of violence, and prevent the perpetrator from continuing the violent behaviour;
2. to collect information and reports necessary to clarify and prove the existence of the misdemeanour or criminal offence of *violent behaviour within the family* or another misdemeanour or criminal offence regarding domestic violence, for which proceedings are undertaken by virtue of the office;
 - 2.1. to collect information and reports by enabling the victim to tell a police officer, without interruption or fear, in a separate room, all the details relevant to establishing that an act of violence has been committed, in the absence of the perpetrator. In doing so, attention should be paid to all information concerning the circumstances in terms of the duration, continuity and means of perpetrating the violence, the existence of a history of violence, and whether the competent bodies have already proceeded in a domestic violence case and to what extent. It is also necessary to take into account children's exposure to violence or their witnessing it. An official note should be made on this, which must be compiled precisely, giving details of the victim's statements regarding the facts;
 - 2.2. to acquaint the perpetrator of violence with the measures that will be taken against him or her with the aim of ending the violence immediately and helping the perpetrator to change his behaviour;

- 2.2.1. if the perpetrator of domestic violence legally possess a weapon, to ensure its temporary removal, in order to prevent possible wrongful use, and to propose the initiation of the appropriate procedure to confiscate the weapon and licence;
 - 2.2.2. should any information be forthcoming about the possible illegal possession of a weapon, to take all the necessary measures to find and remove such a weapon and report the perpetrator of this punishable act;
3. to convey the perpetrator to the police station for holding in custody, submit a request for the initiation of misdemeanour proceedings for the misdemeanour of *violent behaviour within the family*, or file a crime report for the criminal offence of *violent behaviour within the family*, and convey the perpetrator before the misdemeanour or investigating judge, in accordance with legal regulations in force;
 - 3.1. in the request for the initiation of misdemeanour proceedings, along with the proposal for holding the accused in custody until the start of his or her sentence, depending on the circumstances established and the conditions met, to request that appropriate protective measures or cautionary measures be issued.
 - 3.2. to ensure that the police officers who convey the accused before the misdemeanour court, or the suspect before the investigating court, with the proposal for holding him or her in custody or detention, wait and hear the decision of the misdemeanour or investigating court, and should the misdemeanour judge not order custody, or the investigating judge not order detention, to ensure the officers inform the victim immediately;
 - 3.3. if a child or minor has been harmed or has witnessed the violence (if there are grounds for suspicion that the offence of *neglect and abuse of a child or a juvenile* has been committed), or if there are grounds for suspicion that the offence of *violent behaviour within the family* has been committed, police officers specialising in juvenile delinquency must be directly involved and take over proceedings; these officers lead and co-ordinate teamwork in the police system relating to protection from domestic violence.

1. Measures taken with the aim of implementing the legal framework

Training of specialised police officer for juvenile delinquency and crime affecting young people and families is carried out at the Police Academy, where a Specialist Course is conducted for police officers working on tasks for the suppression of juvenile delinquency and crime affecting children and young people. The Specialist Course lasts six weeks. Between 2000 and 2009, 274 participants completed the Specialist Course:

2000 – 26 police officers
 2001 – 60 police officers
 2002 – 29 police officers
 2003 – 48 police officers
 2004 – 23 police officers
 2005 – 24 police officers
 2006 – 29 police officers

2007 and 2008 – the course was not held
2009 – 35 police officers.

The next Specialist Course will be held in the autumn of 2010. Specialist police officers for juvenile delinquency and crime affecting young people and families participate in all criminal investigations of criminal offences committed by children (person under the age of 14 *tempore criminis*) and minors (persons aged between 14 and 18 *tempore criminis*), and in co-operation with expert workers from Centres for Social Welfare, establish the causes of the delinquent behaviour, with the aim of preventing re-offending. In all cases in which the cause of the delinquent behaviour of children or young people is identified as gross negligence of duty to care for or raise a child on the part of a parent, adoptive parent or guardian, police officials file a crime report with the public prosecution office against such persons, on the grounds of suspicion that they have committed the criminal offence affecting children of *neglect and abuse of a child or a juvenile*, as in Article 213 paragraphs 1 and 3 of the Criminal Code.

Trafficking in human beings

Bearing in mind the fact that child victims of human trafficking form a particularly vulnerable group, the Government of the Republic of Croatia has adopted the National Programme for Suppressing Trafficking in Human Beings. In accordance with the obligations laid down in the National Programme for Suppressing Trafficking in Human Beings between 2005 and 2008, and the accompanying Operational Plan for Suppressing Trafficking in Human Beings for 2008, the Ministry of the Interior of the Republic of Croatia has carried out activities within the scope of its competence, with the aim of suppressing trafficking in women and children.

In order to align and implement Croatian legislation with the *acquis communautaire*, during December 2008 amendments to the Criminal Code (OG 152/08) were adopted. In Article 175 of the Code, "Trafficking in Human Beings and Slavery", the illegal adoption of children was introduced as a form of imposing slavery or trafficking in human beings, and it was prescribed that this offence carries more severe punishment if committed by an official.

The Office for Human Rights, as the national co-ordinating body in the area of suppression of trafficking in human beings, pays special attention to suppressing the trafficking in children, who form a particularly vulnerable group. With this in mind, the Office has drawn up a proposal for an Act on Amendments to the Criminal Code. It proposed, amongst other things, that the words "or illegal adoption of a child" should be added in Article 175, paragraph 2 after the words "forced labour or servitude", since Article 175, paragraph 2 did not define illegal adoption as a form of exploitation of child or minor victims of trafficking. The aforesaid proposal was adopted and built into the provisions of Article 175 by the Act on Amendments to the Criminal Code (OG 152/08).

The work on strengthening the legal framework continued under the new National Plan for the Suppression of Trafficking in Human Beings 2009-2011. The Plan calls for special protection of child victims of trafficking in human beings and provides for the adoption of a National Strategy for Protecting Children from Abuse and Neglect, and the adoption of a National Plan against Sexual Exploitation of Children.

Also, the chapter of the National Plan relating to the legal framework envisaged the adoption of a *Protocol on procedure in the event of voluntary return of human trafficking victims*. The said Protocol was adopted by a conclusion of the Government of the Republic of Croatia of 13 December 2009, and it provided for special protection of the rights of child victims of trafficking in human beings in ensuring their safe return.

The *Protocol for the identification, help and protection of victims of trafficking in human beings* was adopted in 2008 and amended in 2010.

Furthermore, considering that education of target groups is one of the best ways to prevent trafficking in human beings, the Office for Human Rights has been providing training on an ongoing basis for all target groups specified in the National Plan for the Suppression of Trafficking in Human Beings 2009-2011, within which children were identified as an especially important target group.

Also, as an example of good practice, we would like to single out a public campaign that has been conducted by the Office for Human Rights, focussing on potential beneficiaries of services of human trafficking victims. All target groups were addressed in the campaign – men, women and children who are victims of labour and sexual exploitation. A TV commercial and posters have been produced.

The statistical data for the Republic of Croatia show that in 2008 no minor victims of human trafficking were identified. In 2009, a total of 8 victims of trafficking in human beings were identified, one of whom was a child. Until November 2010 a total of 7 victims of trafficking in human beings were identified, of whom two were children. All victims were offered assistance and protection in the framework of the national referral system.

Although the above statistical data show that the number of child victims of trafficking in human beings identified in the Republic of Croatia was not large, special attention is being paid to protecting the rights and interests of children, having in mind the fact that they form a particularly vulnerable group.

In the same issue of the Official Gazette (152/08), amendments to the Criminal Procedure Act were also published. These amendments to the provisions of Article 175 of the Criminal Code and the Criminal Procedure Act were the result of implementing the CARDS 2004 project entitled "Suppressing Trafficking in Human Beings", which was successfully completed in June 2008, and according to the opinion of experts from the European Commission, it can be concluded that the Republic of Croatia has aligned its national legislation in the area of suppressing trafficking in human beings with the *acquis communautaire*.

Furthermore, at the session of the Government of the Republic of Croatia held on 14 November 2008, the *Protocol for the identification, help and protection of victims of trafficking in human beings* was adopted. The Protocol regulates, among other things, the role of the Ministry of the Interior of the Republic of Croatia in the national referral system for suppressing trafficking in human beings, which is within the framework of identifying and returning victims to their country of origin.

With the aim of implementing the measures outlined in the Operational Plan for Suppressing Trafficking in Human Beings for 2008, entitled "Enhancing application of pro-active measures for discovering and processing criminal offences of trafficking in human beings and

identifying victims", within the framework of the twinning component of the project CARDS 2004 entitled "Suppressing Trafficking in Human Beings", the Ministry of the Interior of the Republic of Croatia, in co-operation with experts from the police and judiciaries of the Republics of Austria and Germany, participated during 2008 in the implementation of all activities outlined in this project. It should be emphasised that the Austrian and German experts carried out an assessment of the situation between January and June 2008, i.e. established to what extent national legislation and practice was in alignment with EU standards, in relation to the problem of suppressing trafficking in human beings. To this end, they produced a Report and recommendations. At the same time, it should be emphasised that the mid-term advisor to the police in this project spent a period of 45 days working in the Crime Investigation Directorate of the Ministry of the Interior, and that within the project, working meetings were held, i.e. so-called pilot exercises, in the Primorje-Gorski Kotar Police Directorate (February 2008), the General Police Directorate (March 2008), the Police Academy of the Ministry of the Interior of the Republic of Croatia (April 2008), and the Vukovar-Srijem Police Directorate (April and June 2008), and several working meetings with the competent heads of sections and police officials from different organisational units were held at the headquarters of the Ministry of the Interior, all with the aim of enhancing the implementation of pro-active methods of discovering and processing crimes of trafficking in human beings and identifying victims.

With the aim of raising public awareness of the existence of trafficking in human beings and its consequences, the Ministry of the Interior of the Republic of Croatia has made available posters, flyers and brochures on trafficking in human beings, and has posted them in visible places at all the border crossing of the Republic of Croatia, and in the offices of organisational units in all police directorates dealing with the issues of aliens, suppressing illegal migration and organised crime. These preventive materials, which have been produced within the framework of the national strategy for suppressing trafficking in human beings, have also been posted at all road, air and sea border crossings, and they are also intended for distribution to the general population.

With a view to continuing to raise public awareness of the problem of trafficking in human beings, representatives of the Ministry of the Interior of the Republic of Croatia responded to invitations during 2008 to participate in many organised round table discussions, forums and television and radio programmes, in which the topic of preventing the crime of trafficking in human beings was tackled. Among these, the regular participation of representatives of the Ministry of the Interior in many forums and discussions organised within the national strategy for suppressing trafficking in human beings, organised by civil society and international organisations (the "Petra" network, in co-operation with CARE International, the Croatian Red Cross, "Rosa" NGO from Zagreb, the SOS telephone help-line, the Centre for Support and Development of Civil Society – "Delfin", the "Brod" association and the NGO "Vukovar Women's Association), should be highlighted.

With the goal of meeting the programme goal outlined in the Operational Plan for Suppressing Trafficking in Human Beings for 2008, which relates to the continuation of training for target groups on trafficking in human beings, at the national and international levels, the Ministry of the Interior carried many training-related events in 2008, which focussed topically on the problem of trafficking in human beings, among which the following stood out:

During 2008, the Ministry of the Interior carried out training for a total of 2,372 police officers:

- the Police Academy organised training for 1,476 police officers and, in particular:
 - within the projects "ADA" and CARDS 2004, "Suppressing Trafficking in Human Beings", which was implemented with partners from Germany and Austria, 3 seminars were held on the topic "Suppressing Trafficking in and Smuggling Human Beings", which were attended by 63 participants,
 - within the framework of the implementation of Specialist Graduate Studies at the Police College within the Police Academy, the topical area related to suppressing trafficking in human beings was covered in study courses entitled "Migration and Crime" and "Methodology of Researching Organised Crime", for 42 students,
 - within the framework of the implementation of the Border Police Course, 159 participants received training,
 - within the framework of the implementation of the Traffic Police Course, 135 participants received training,
 - within the framework of the Programme for the Education of Adults for the Police Force, 1,079 participants received training.

The Crime Investigation Police Directorate and the Border Police Directorate at the General Police Directorate, in co-operation with other competent state bodies, civil society and international organisations, organised and conducted training for 897 police officers, while the project "Training police officers of the Ministry of the Interior of the Republic of Croatia in the area of trafficking in human beings and smuggling migrants", which was conducted in co-operation with the mission of the International Organisation for Migration in the Republic of Croatia and the Government of the United Kingdom, was officially closed on 28 March 2008, after final practical training for 27 border police officers – so-called multipliers. Staff members of the Ministry of the Interior have also participated in the production of educative and promotional films, in co-operation with the International Organisation for Migration, entitled "Not For Sale", and "Are You a Victim of Trafficking in Human Beings?", which in addition to their promotional character, also serve as training material at the Police Academy, in the course "Migration and Crime" in the graduate Criminalistics Programme. In conjunction with this co-operation, a handbook has been published for the border police. The Memorandum of Understanding concluded with the International Organisation for Migration, regarding joint interests and co-operation in various fields of work, among others, in suppressing trafficking in and smuggling human beings, is being implemented consistently.

With the aim of suppressing sex tourism and implementing the recommendations of the State Department on the need to suppress this phenomenon on the Dalmatian coastline, in 2008 four seminar-workshops were held in the territory of police directorates along the Adriatic coastline, i.e. in Split and Rijeka, on the topic of suppressing trafficking in human beings and providing assistance and protection for victims. These were held for police representatives, representatives of the public prosecution office, the Ministry of Health and Social Welfare, and civil society organisations. Altogether 130 participants attended these events.

During 2008, three seminar-training sessions on the topic of suppressing trafficking in human beings and providing assistance and protection for the victims of trafficking in human beings were held at the Police Academy of the Ministry of the Interior of the Republic of Croatia, for employees dealing with protection of children and young people under criminal law. Representatives of the Police Directorates of Split, Rijeka, Pula, Gospić, Zadar, Šibenik and Dubrovnik also participated in these events. In addition, the representatives of these police

directorates participated in an 8-week course for police officers dealing with juvenile delinquency and crime affecting young people and families, and within the framework of the curriculum, they listened to presentations on the topical outlines connected with trafficking in human beings and criminal offences related to "travelling sex offenders".

In the course of 2009 the Ministry of the Interior of the Republic of Croatia organised training for a total of 2167 police officers and, in particular:

- 1315 officers received various forms of training at the Police College (students who have taken the course "Migration and crime", and participants in training programmes for border and traffic police or police officers for juvenile delinquency),
- the remaining number of police officers underwent training as part of various continuing education projects implemented in police directorates, using the "training-for-trainers" model with the aim of multiplying the knowledge acquired.

Having recognised the importance of strengthening the capacities of the Ministry of the Interior, other state bodies, civil society organisations and the business sector in the area of combating sexual exploitation and sexual abuse of children and of providing assistance to vulnerable victims of crime, in 2009 the Ministry of the Interior drew up a proposal for a twinning project entitled "Capacity Building in the Field of Fight against Sexual Exploitation and Sexual Abuse of Children, and of Police Assistance to Vulnerable Crime Victims", and applied to the Delegation of the European Union in Croatia for funding for this project.

The basic goal of the twinning project is to help each beneficiary country to develop a modern and efficient administration, focussing on the structure, human resources and management skills needed to harmonise domestic legislation with European legislation.

The objectives of the project are to continue building institutional capacities and raising public awareness about preventing and combating sexual exploitation and sexual abuse of children and about providing police and judicial assistance to vulnerable crime victims, by creating a sustainable system of support and assistance for citizens and promoting a holistic approach, which includes joint action of state bodies, civil society organisations and the business sector.

Vulnerable crime victims, to whom project activities will be targeted with the aim of strengthening their position in police procedures and criminal proceedings include: children who are victims of sexual offences, children who are victims of trafficking, children living in social welfare institutions, children from poor social groups, including the Roma community in Croatia, children who are victims of perpetrators coming to Croatia from other countries with the intention to engage in sexual exploitation of children or "travelling sex offenders", and children with the alien status in Croatia.

The Delegation of the European Union in the Republic of Croatia recognised the value of this project, so it accepted the twinning project fiche produced by the Ministry of the Interior.

Project activities have been divided into three main groups:

- building an operational framework for combating sexual exploitation and sexual abuse of children,
- strengthening the capacities of the institutions involved in combating sexual exploitation and sexual abuse of children,
- raising public awareness.

The value of the project is EUR 800,000. The anticipated duration of the project is 18 months, beginning in December 2010 or January 2011.

In line with the obligations arising from the Programme of Activities for Preventing Violence among Children and Young People of the Government of the Republic of Croatia and individual safety assessments and operating plans, police officers from all police departments and police stations have been carrying out the following activities on a continuing basis:

- preventing minors from participating in games of chance and prize games;
- suppressing distribution of easily accessible addictive substances among young people, with a special emphasis on distribution of alcoholic beverages;
- supervising the immediate and wider areas of educational institutions, and compliance with the provisions of Article 95 of the Family Act whereby persons younger than 16 are prohibited from going out at night, i.e. between the hours of 11 p.m. and 5 a.m. without the escort of their parents or other adults whom their parents trust (for data on the number of children found by the police to be violating this provision, see Table 5).

2. Relevant statistical data

Table 4 – An overview of the number of criminal offences committed against children and minors, detected and reported to public prosecution offices by the police

CRIMINAL OFFENCES COMMITTED TO THE DETRIMENT OF CHILDREN AND MINORS	149 2005	133 2006	166 2007	157 2008	176 2009
Article 193 Lewd Acts	95	85	84	92	80
Article 194 Satisfying Lust in the Presence of a Child or a Juvenile					
Article 195 Aggravated Murder	3	4	15	4	2
Article 196 Abuse of Children or Juveniles in Honour	18	18	37	42	31
Article 197a Child Pornography	2	6	1	4	2
Article 197b Introducing Pornography to Children	45	17	29	26	44
Article 197a Child Pornography in a Computer System or Network	112	25	47	101	35
Article 127 Maltreatment in the Execution of Duty or Public Authority	3	12	9	9	0
Article 198 Incest					
Article 209a Trafficking in Human Beings and Slavery	550	646	700	858	948
Article 210 Parental Abduction of a Child or a Juvenile	0	10	19	12	17
Article 178 International Prostitution					
Article 211 Change in Family Status	26	31	35	25	21
Article 218 Child Abuse	1	0	1	3	0
Article 190a Sexual Intercourse with a Helpless Person	2,233	2,581	2,055	1,762	1,478
Article 190 Sexual Intercourse by Duress	0	1	0	2	0
Article 191 No-marital Cohabitation with a Juvenile	30	26	44	48	40
Article 192 Sexual Intercourse with a Child	79	68	54	55	68

Perform Measures to Protect a Child or a Juvenile					
Article 215a Violent Conduct within a Family	1,857	1,985	1,798	1,647	1,400
TOTAL	5,213	5,742	5,189	4,931	4,408

Table 5 – An overview of persons younger than 16 found by the police to be violating the provisions of Article 95 of the Family Act

Overview of police procedures in the RoC pursuant to Article 95 of the FA

		2004	2005	2006	2007	2008	2009
	Total number of minors found	820	834	1113	894	1200	2564
Number of persons found, by age group	Children	89	86	109	104	114	251
	Junior minors	731	748	1004	790	1086	2313
	Number of children and minors in respect of whom the police had already intervened	101	69	116	105	111	214
	Number of children and minors in respect of whom further checks revealed that they had been neglected or abused	31	11	18	15	8	5

Table 6 – An overview of children and minors found by the police to be violating the provisions of the Act on Misdemeanours against Public Order and Peace (AMPOP) prohibiting and sanctioning vagrancy and begging

	2005	2006	2007	2008	2009
Total number of separately registered and prosecuted cases of begging on the part of children or minors (alone or in the company of adults) – Article 11 of the AMPOP	145	102	61	42	70
Number of children who are not criminally liable found to be begging	88	58	29	27	32
Number of criminally liable minors found to be begging	57	28	19	15	36
Number of adults who were begging together with minors	68	44	24	24	30
Number of parents who were reported under Article 22 of the AMPOP for encouraging children to begging	22	15	4	12	7
Number of parents reported for a misdemeanour from Article 27 of the AMPOP (poor upbringing and failure to supervise the child)	26	13	7	2	8
Number of parents reported for the criminal offence of neglect and abuse of the child or minor, referred to in Article 213 of the CC (when the offence is related to begging)	29	19	9	1	6
Number of cases involving repeated commission of misdemeanour of begging by minors or adults with children	19	32	10	12	5
Number of separately registered cases involving minors who are foreign nationals	8	18	8	11	6

Table 7 – An overview of criminal offences committed by children who are not criminally liable (persons younger than 14 *tempore criminis*), detected by the police

CRIMINAL OFFENCE	2005	2006	2007	2008	2009
Bodily injury				142	121
Aggravated bodily injury	14	13	15	17	15
Abuse of narcotic drugs	2	2	5		2
Rape			1	3	
Sexual intercourse with a helpless person					1
Sexual intercourse with a child	4	4	4	9	2
Lewd acts	8	11	23	10	10
Larceny	127	168	194	207	147
Aggravated larceny	318	376	307	278	192
Robbery	25	15	17	23	21
Larceny by coercion	3	5	7	2	4
Abstraction of movable property of another	20	7	25	18	13
Destruction or damage to the property of another	45	60	69	62	57
Illicit use of an author's work or an artistic performance	4	7	3	5	4
Causing traffic accident	3		1	4	
Extortion	3	6	10	6	4
Fraud		1			1
Endangering life and property by dangerous public acts or means	4	10	14	19	8
Concealing	2	3	5	4	
Violent behaviour	8		13	22	20
Counterfeiting of money	5	3	7	13	1
Obstructing an official in the performance of official duty				1	
Forgery of a document	1	2	2	1	2
Spreading false and alarming rumours	4	3	1	5	3
Illicit possession of weapons and explosive substances	6	4	9	3	8
Other criminal offences	27	78	64	56	45
TOTAL	633	778	907	910	681

Table 8 – An overview of criminal offences committed by minors (persons older than 14 and younger than 18 *tempore criminis*), detected by the police

CRIMINAL OFFENCE	2005	2006	2007	2008	2009
Murder	2	3	2	2	
Attempted murder	7	2	6	2	
Aggravated murder		1			
Attempted aggravated murder		2	2		1
Infanticide				1	
Bodily injury	4	71	266	326	278
Impulsive bodily injury		1			
Aggravated bodily injury	82	78	91	96	77
Participation in an affray	3	1	3	5	1
Kidnapping		1		1	
Threat	39	70	46	64	47
Disturbing the peace of the deceased	3	8	5	2	1
Abuse of narcotic drugs	593	600	402	284	298
Rape	7	9	5	4	2
Attempted rape	1	1	1	2	
Sexual intercourse with a child	20	16	16	16	20
Lewd acts	16	20	29	11	22
Abduction of a child or a juvenile	1	1	1		1
Abuse of children or juveniles in pornography	3	4	3	9	4
Satisfying lust in the presence of a child or a minor		1	1	2	10
Introducing pornography to children	11		6	3	3
Incest	1	2	1		
Larceny	573	644	722	712	702
Aggravated larceny	1316	1342	1375	1296	1235
Robbery	150	110	104	103	109
Larceny by coercion	15	9	2	11	13
Abstraction of movable property of another	79	65	89	86	54
Destruction or damage to the property of another	148	207	243	208	213
Infringement of secrecy, integrity and accessibility of computer data, programs and systems	1	1		3	
Illicit use of an author's work or an artistic performance	18	41	25	12	
Infringement of industrial property rights and unauthorised use of another's company name		9	2	2	
Causing traffic accident	43	54	60	51	38
Extortion	18	21	34	22	23
Fraud	9	20	8	42	10
Endangering life and property by dangerous public acts or means	14	22	21	19	24
Destruction or damage of public utility installations	2	1	2	1	1
Destroying or damaging danger signs	6	8	15	9	3

Concealing	87	81	92	88	57
Violent behaviour	51	69	65	92	71
Conspiracy to commit a criminal offence			1	1	2
False report of a criminal offence	9	9	15	10	16
Certification of untrue content		1	1	1	1
Counterfeiting of money	75	31	36	37	20
Obstructing an official in the performance of official duty	18	25	7	7	11
Attacking an authorised official	7	8	11	8	8
Forgery of a document	78	76	70	58	50
Spreading false and alarming rumours	12	20	16	15	19
Illicit possession of weapons and explosive substances	19	14	18	21	16
Other criminal offences	133	157	148	124	133
TOTAL	3,983	3,937	4,068	3,869	3,594

Legal status of the child

Question by the Committee

In response to the question relating to adopted children's right to information about their birth families and as to where adoption orders must be made by the courts, we wish to state that Article 142 of the Family Act provides that adult adoptees shall be given access to adoption files and the Birth Register kept for adopted children. Under the same article, a minor adoptee shall be allowed access to the adoption file by the centre for social welfare and to the Birth Register by the registrar, but only if the centre for social welfare has established that this would be in the minor's interest. Courts do not deliver adoption orders.

Children in public care

Question by the Committee

In response to the question regarding the number of children without parental care and the number of those placed in foster families or homes, we provide the following data:

	2005	2006	2007	2008	2009	Total
Number of children without parental care	3826	3563	3366	3203	3201	17159
Number of children placed in social welfare homes	1582	1410	1286	1263	1246	6787
Number of children placed in foster families	2244	2153	2080	1940	1955	10372

Question by the Committee

In relation to the Committee's request for additional information about the Ordinance on the type of children and adult homes and their activities, and on conditions regarding premises, equipment and necessary professional and other workers of a social welfare home of 1999, please note that in 2009 the new ordinance was issued, i.e. the Ordinance on the type and activities of social welfare homes, the arrangements for providing care to clients outside their families, the conditions relating to premises, equipment and staff of social welfare homes, therapeutic communities, religious communities, associations and other legal persons, and centres for assistance and care in home (Official Gazette 64/09), which prescribes as follows: type and activities of social welfare homes, the arrangements for providing care to clients outside their families by religious communities, associations dedicated to providing care to socially deprived persons, therapeutic communities, units of local and regional self-government, companies or other domestic and foreign legal persons without founding a home to this end; the conditions relating to premises, equipment and expert and other employees of homes and other legal persons specialising in providing care to clients outside their families; the structure and duration of direct professional work with clients in homes and other legal persons.

Compared with the previous ordinance, the new Ordinance raised the level of the requirements regarding premises, equipment and necessary workers to be met by all providers of services to children, as a result of which the number of beneficiaries in educational groups has been reduced, and provided for the possibility of engaging other experts – external associates other than those laid down in the Ordinance, with the aim of raising the quality and expanding the range of services provided.

Question by the Committee

In response to the Committee's question relating to fundamental rights and freedoms, we wish to state that, as part of the Social Welfare System Development Project, the Social Services Quality Standards were developed, which are currently being introduced into all social welfare institutions providing services to children and young people. The Quality Standards are primarily focussed on beneficiaries, promoting their independence and autonomy, their participation in everyday life in a normal social environment and, in particular, the respect for their human, civil and social rights. In addition, it is important to emphasise that these quality standards were aligned with key principles from many human rights instruments, international treaties to which the Republic of Croatia is a party, and obligations taken on in the process of accession to the European Union.

Furthermore, the statutes of children's homes contain provisions on the obligatory establishment of Clients' Councils, in whose work all children older than 10 and capable of understanding the meaning of their involvement may participate. Within the framework of these councils children can discuss various issues and participate in making decisions on matters relevant to their accommodation and to the greatest possible effectiveness of the educational work.

Question by the Committee

In relation to the procedure for complaining about the care and treatment in institutions and how institutions are supervised and inspected by independent bodies, pursuant to Article 60, paragraphs 1 and 2 of the System of State Administration Act (Official Gazette 75/93, 92/96, 48/99, 15/2000, 127/2000, 59/2001, 199/2003 and 79/2007), the Government of the Republic of Croatia adopted the Regulation on amendments to the Regulation on the internal organisation of the Ministry of Health and Social Welfare (Official Gazette 2/09), which was published in the Official Gazette on 3 January 2009. Pursuant to Article 64 of the Regulation, the Department for Petitions and Complaints was established in the Social Welfare Service operating within the Directorate for Social Welfare. The Department for Petitions and Complaints acts upon petitions and complaints filed by citizens and upon enquiries by other bodies. According to the Department's 2009 Report, a small percentage of petitions (3.4%) had been filed by citizens complaining about accommodation in social welfare homes or foster families, and about the conduct of the employees of these homes.

Moreover, Articles 169 to 183 of the Social Welfare Act provide for three types of supervision: internal, administrative and inspectional supervision.

- Internal supervision – Social welfare institutions are obliged to carry out internal supervision of the activities of their organisational units and employees.
- Administrative supervision is carried out by the ministry responsible for social welfare.
- Inspectional supervision – The ministry responsible for social welfare carries out supervision of the application and implementation of laws and other regulations, general and individual legal acts in social welfare services, and they also supervise expert work of social welfare homes, centres for assistance and care and other legal and natural person providing social welfare services.

Supervision of expert work is carried out pursuant to the provisions of the Ordinance on the manner and content of carrying out expert supervision in social welfare services (Official Gazette 79/08).

The Department for Inspectional Supervision was established on 1 April 2005. Its establishment and good planning of inspectional supervisions have resulted in more efficient expert work. Moreover, in their supervision activities, inspectors disseminate good practice developed through implementation of inspectional supervisions.

The following table provides an overview of inspectional supervisions carried out in homes for children and youth, homes for education of children and youth, and the reception centre in the period between 2005 and 1 December 2009.

	NAME OF THE HOME	NUMBER OF INSPECTIONS
<i>Homes for children founded by the Republic of Croatia</i>		
1.	Svitanje Home for Children and Young Adults, Koprivnica	2
2.	Lipik Home for Children and Young Adults	1
3.	Vrbina Home for Children and Young Adults, Sisak	2
4.	Home for Children and Young Adults, Slavonski Brod	1
5.	"Braća Mažuranić" Home for Children and Young Adults, Novi Vinodolski	1
6.	"Vladimir Nazor" Home for Children and Young Adults, Karlovac	1

7.	Zagreb Home for Children and Young Adults, Zagreb	2
8.	Pula Home for Children and Young Adults	1
9.	Sv. Ana Home for Children and Young Adults, Vinkovci	1
10.	Klasje Home for Children and Young Adults, Osijek	1
11.	Zagreb Home for Children and Young Adults, Selce	1
12.	Maestral Home for Children and Young Adults, Split	1
13.	"Ivana Brlić-Mažuranić" Home for Children and Young Adults, Lovran	1
<i>Homes for children founded by other subjects</i>		
14.	Children's Home – SOS Children's Village Ladimirevci	2
15.	Children's Home – SOS Children's Village Lekenik	2
16.	"Blaženi Alojzije Stepinac" Caritas Home for Children without Adequate Parental Care, Brezovica,	3
17.	Family-type Children's Home "Nuevo futuro"	1
18.	Correctional Home Mali Lošinj	2
19.	Osijek Home for Education of Children and Youth	3
20.	Pula Home for Education of Children and Youth	3
21.	Zagreb Home for Education of Children and Youth	1
22.	Cres Home for Education	2
23.	Karlovac Home for Education of Children and Youth	1
24.	Ivanec Educational Home	1
25.	Bedekovčina Educational Home	1
26.	Zadar Home for Education of Children and Youth	2
27.	Rijeka Home for Education of Children and Youth	1
28.	Split Home for Education of Children and Youth	1
29.	Centre for Social Welfare Varaždin, Department for Protection and Treatment of Children and Youth with Behaviour Problems (Reception Centre)	1
TOTAL		43

Protection of children from violence, ill-treatment and abuse

The Ministry of Health and Social Welfare is making efforts to introduce and implement various measures for the suppression of violence among young people, including in adolescent relationships. In this context, a part of proceeds from games of chance, earmarked for the implementation of measures from national strategies, plans and programmes in 2009, was used to provide financial support for a number of projects proposed by civil society organisations concerning implementation of various measures aimed at suppressing violence among young people, including in adolescent relationships. Eight projects aimed at combating violence among young people were funded in the amount of HRK 966,880.00.

Furthermore, efforts have also been directed towards organising training for all experts working in direct contact with victims and perpetrators of violence, and in this regard it is very important to mention the MATRA project financed by the Ministry of Foreign Affairs of the Kingdom of the Netherlands, which is intended for public administration and deals with reforms in the areas of education, justice, internal affairs, health, social welfare and the environment. The purpose of the project is to provide training for experts coming in direct contact with child victims of violence. Training seminars are attended by representatives of

the police, courts, public prosecution offices, centres for social welfare and family centres. As part of this project, training will be provided to 538 professionals from various areas of social life, who come in direct contact with child victims of violence.

It is necessary to point out that the conduct of competent services is defined by protocols, i.e. the Protocol for Handling Domestic Violence Cases, the Protocol for Handling Cases of Violence among Children and Young People, and the Protocol for Handling Children Separated from Parents – Foreign Nationals, and that relevant measures and tasks are laid down in the Programme of Activities for Preventing Violence among Children and Young People (adopted by the Government) about which information is regularly provided to the implementing subject – the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity.