

CROATIA

CRC A/51/41 (1996)

Concluding observations

977. The Committee considered the initial report of Croatia (CRC/C/8/Add.19) at its 279th to 281st meetings (CRC/C/SR.279-281), on 23 and 24 January 1996, and adopted, at its 287th meeting, on 26 January 1996, the following concluding observations.

Introduction

978. The Committee notes with appreciation that the difficult circumstances resulting from the war have not undermined the State's commitment to the protection and promotion of children's rights, as evidenced by the State's accession to the Convention on the Rights of the Child immediately following independence, the timely submission of the initial report due under the Convention and the frank and detailed answers provided, both in written and oral form, for the consideration of the report by the Committee. The Committee requests a progress report before the end of 1997.

Positive factors

979. The Committee welcomes the statement by the delegation that the Government intends to withdraw its reservation to article 9 of the Convention.

980. The Committee takes note with satisfaction of the efforts to bring domestic law and practice into line with the principles and provisions of the Convention, including the enactment of legislation on the family and on the protection of children against all types of abuse.

981. The Committee welcomes the provisions contained in the new Constitution which accord to international human rights instruments ratified by the State a legal status superior to that of domestic legislation. It notes with appreciation the establishment of the special parliamentary Committee for Human Rights and the Rights of Ethnic and National Communities or Minorities, which monitors the application of international instruments and the relevant provisions of constitutional law dealing with human rights.

982. The Committee welcomes the willingness of the Government in the framework of article 4 of the Convention, to ensure cooperation with United Nations and other competent bodies, including the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, UNHCR, UNICEF, UNESCO and ICRC in the fields of human rights and humanitarian assistance.

983. The Committee also welcomes the efforts pursued by the Government, in cooperation with non-governmental organizations, with a view to raising public awareness on the rights of the child. In this connection, the Committee welcomes the European Youth Campaign being undertaken under the auspices of the Council of Europe to combat racism, xenophobia, anti-Semitism and intolerance.

984. The Committee further welcomes the progress made in modifying the Law on Citizenship so as to eliminate risks of discrimination.

985. The Committee welcomes the intentions expressed by the Government to prosecute people who committed crimes against the civilian population, including children, during and after "Operation Storm" in August 1995 in the Krajina area and to provide safe conditions for returnees.

Factors and difficulties affecting the implementation of the Convention

986. The Committee recognizes the serious difficulties faced by the State party in implementing the provisions of the Convention. It notes that the State party's transition to a market-oriented economy has had a serious impact on the population, in particular on all vulnerable groups, including children.

987. The Committee also notes the major problems experienced as a consequence of war, which has borne a severe impact on the population, including children, leading to heavy casualties, long-lasting physical, emotional and psychological effects, as well as the disruption of some basic services. It takes special note of an unknown number of children who have suffered the most fundamental violations of their right to life, and the existence of a large population of refugees and displaced persons, exceeding 500,000, who are being attended to by international aid.

Principal subjects of concern

988. The Committee, while welcoming the existence of government bodies and the creation of new ones competent to deal with the welfare of children at the national and local levels, expresses concern that effective coordination must be established among them in order to develop a comprehensive approach to the implementation of the Convention.

989. The Committee is concerned at the absence of an integrated and systematic monitoring mechanism covering all areas covered by the Convention, and in relation to all groups of children, especially those affected by the consequences of the war and the economic transition.

990. The Committee is concerned about the impact on children of economic difficulties resulting from the transition to a market economy. It is particularly worried about the consequences of the privatization of some social services that might affect the most vulnerable groups of children. In this connection, it is particularly concerned as to whether appropriate measures have been taken to protect children in the light of article 4 of the Convention.

991. The Committee expresses concern about the Law on Temporary Possession, according to which property may be occupied by temporary settlers in the absence of the property owners. The Committee is concerned that families affected by this law will face problems if they should return before the present occupiers have found alternative shelter.

992. The Committee is concerned that a number of unaccompanied children who have lost contact with their families are in institutions or in foster care. The Committee further notes with concern that some foster homes might accept responsibility for the care of children solely for the economic compensation provided to them. It stresses that the consequences for the children living under such

conditions are not conducive to their sound development.

993. The Committee expresses concern that children might be removed from their families because of their health status or the difficult economic situation faced by their parents.

994. The Committee notes with deep concern the apparent disregard for judicial decisions. It notes that allegations continue to be made about incidents in which members of minority groups, particularly of Serbian and Muslim origin, are harassed and the perpetrators left unpunished. The Committee draws attention to the adverse consequences for society as a whole and for the generation of children who witness this phenomenon of impunity.

Suggestions and recommendations

995. The Committee recommends that the Government devote its full efforts to encouraging actively a culture of tolerance through all possible channels, including the schools, the media and the law. The schools should teach children to be tolerant and to live in harmony with persons from different backgrounds.

996. The Committee also recommends, in the interests of healing and trust-building within the country and in the spirit of article 17 of the Convention, that the State-controlled mass media should play an active role in the efforts to secure tolerance and understanding between different ethnic groups and that the broadcasting of programmes that would run counter to this objective come to an end.

997. The Committee recommends that the State party should take further steps, such as the establishment of a permanent structure to improve policy formulation and adopt measures for the promotion and protection of children's rights.

998. The Committee recommends that consideration be given to the establishment of a special independent monitoring structure, whether under the existing office of the ombudsman or as a separate body, and to that end recommends that a study be undertaken as soon as possible reviewing the experiences of other nations so that the most appropriate decision may be reached.

999. The Committee recommends that public information activities and other appropriate action be taken to make better known the principles and provisions of the Convention and other relevant international human rights instruments, including through their incorporation in school curricula with a view to enhancing democratic institutions, achieving national reconciliation, encouraging the protection of the rights of children belonging to minority groups and eliminating the atmosphere of impunity among those who harass these groups.

1000. In keeping with efforts to promote the process of national reconciliation and national dialogue, the Committee recommends that training programmes be organized for members of the army, police and judiciary on the provisions of the Convention.

1001. The Committee recommends that the system of foster care be carefully monitored in order to eliminate any possible acts of abuse against the children placed in such care.

1002. The Committee recommends that in the light of the best interests of the child and, when necessary, in the framework of international cooperation, the Government make special efforts to resolve the problem of property owners returning to their homes before their occupiers have been able to find alternative shelter.

1003. The Committee recommends that a progress report be submitted by the end of 1997 for its consideration. It requests that the State include in that report information about subsequent developments in the areas of legal and judicial reform, of decisions to improve coordination of policies relating to children and of the monitoring of the implementation of the Convention. The progress should also cover the concerns expressed by the Committee.

1004. The Committee recommends that the report of the State party, the records of the dialogue held between itself and the State delegation and the concluding observations adopted by the Committee be widely disseminated throughout the nation in all minority languages as well as in Croatian. It recommends that a national debate be encouraged about the State party's compliance with the Convention within and among the Government, international organizations and national and non-governmental organizations and also among the public.