



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined third and fourth periodic reports of Croatia\*

#### I. Introduction

1. The Committee considered the combined third and fourth periodic reports of Croatia (CRC/C/HRV/3-4) at its 1920th and 1921st meetings (see CRC/C/SR.1920 and 1921), held on 15 September 2014, and adopted, at its 1929th meeting, held on 19 September 2014, the following concluding observations.

2. The Committee welcomes the submission of the combined third and fourth periodic reports of the State party (CRC/C/HRV/3-4) and the written replies to its list of issues (CRC/C/HRV/Q/3-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

#### II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the adoption of the following legislative measures, inter alia:

- (a) The Family Act of 2014;
- (b) The Social Welfare Act of 2014;
- (c) Amendments to the Foreigners Act of 2013;
- (d) Amendments to the Asylum Act of 2013;
- (e) The Act on Foster Care of 2011;
- (f) The Act on the Protection against Family Violence of 2009;
- (g) The Act on Free Legal Aid of 2009;
- (h) The Act on Road Safety of 2008;

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\* Adopted by the Committee at its sixty-seventh session (1–19 September 2014).



- (i) The Act on Primary and Secondary Education of 2008.
- 4. The Committee notes with appreciation the ratification of:
  - (a) The Convention on the Rights of Persons with Disabilities, in July 2007;
  - (b) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, in August 2007;
  - (c) The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, in April 2005;
  - (d) The 1961 Convention on the Reduction of Statelessness, in September 2011;
  - (e) The 1996 Hague Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect to Parental Responsibility and Measures for the Protection of Children, in September 2009;
  - (f) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in September 2011;
  - (g) The European Convention on the Exercise of Children's Rights, in April 2010;
  - (h) European Convention on Contact Concerning Children, in February 2009.
- 5. The Committee welcomes the following institutional and policy measures, inter alia:
  - (a) The Protocol related to the treatment of children separated from parents — foreign nationals, in July 2013;
  - (b) The National Strategy for Roma Inclusion 2013–2030 and the Action Plan 2013–2015 for the implementation of the Strategy;
  - (c) The National Plan for Combating Trafficking in Human Beings for the Period 2012-2015, in February 2012;
  - (d) The National Health Care Strategy 2012–2020;
  - (e) The National Strategy for Protection against Family Violence 2011–2016, in February 2011;
  - (f) The Plan for the Deinstitutionalization and Transformation of Social Welfare Institution and Other Legal Entities Performing Social Welfare Activities in the Republic of Croatia 2011–2016 (2018);
  - (g) The National Committee for the Education for Human Rights and Democratic Citizenship, in 2010;
  - (h) The Youth Councils, in 2007.

### **III. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)**

##### **Legislation**

- 6. While welcoming the progress made by the State party in harmonizing its legislation with the Convention on the Rights of the Child, the Committee remains concerned about

the lack of effective and full implementation of all legislation relevant to the Convention. In particular, the Committee is concerned that:

- (a) Laws are frequently changed, which leads to inconsistent implementation and legal uncertainty;
- (b) Insufficient time and space is provided for public debates and the involvement of all stakeholders, before the adoption of laws;
- (c) Most of the case law is not disclosed publicly;
- (d) The adoption of subsidiary legislation necessary for implementation is often protracted;
- (e) Effective monitoring, evaluation and accountability mechanisms are missing;
- (f) Necessary funds for implementation are not always allocated.

**7. In the light of its previous recommendations (CRC/C/15/Add.243, para. 10), the Committee urges the State party to ensure that all laws that are relevant to the Convention are fully and effectively implemented. Moreover, it recommends that the State party:**

- (a) Ensure consistency in the adoption and application of domestic legislation;**
- (b) Promote and facilitate regular public debates and the active involvement of children and civil society organizations, before adopting draft laws;**
- (c) Ensure that relevant case law is accessible to the public;**
- (d) Ensure the timely adoption of subsidiary implementing legislation;**
- (e) Establish effective monitoring, evaluation and accountability mechanisms and provide in its next report detailed information on the evaluation of the implementation of its laws and regulations in the area of children's rights;**
- (f) Allocate sufficient human, technical and financial resources for the effective implementation of all legislation relevant for children.**

#### **Comprehensive policy and strategy**

8. The Committee notes the many positive results achieved through the implementation of the National Plan of Activities for the Rights and Interests of Children 2006–2012, which aimed to comprehensively follow up the concluding observations adopted by the Committee in 2004 (CRC/C/15/Add.243). However, the Committee is concerned that:

- (a) Systematic monitoring, reporting and evaluation of the impact of the activities on the lives of children and their effectiveness are lacking;
- (b) Various important policy documents envisaged in the National Plan of Activities have not been adopted;
- (c) The National Plan of Activities was completed in 2012 and the new National Strategy for the Rights of Children in the Republic of Croatia 2014–2020 has not yet been adopted.

**9. The Committee recommends that the State party expedite the adoption of the new National Strategy for the Rights of Children in the Republic of Croatia 2014–2020 and ensure that it contains concrete goals and measures and clear indications of the roles and responsibilities of the relevant bodies at all levels. It further recommends that the State party ensure the effective implementation of the strategy, including**

**through the adoption of specific by-laws, the provision of necessary human, technical and financial resources, the establishment of a monitoring and evaluation system and the provision of adequate training for all persons responsible for its implementation.**

#### **Coordination**

10. The Committee notes that the Ministry of the Family, Veteran Affairs and Intergenerational Solidarity is the mechanism for policy coordination relating to children and that amendments have been made to the composition of the Council for Children, which is responsible for coordinating the implementation of the national programme for children. However, it is concerned that coordination among the different government bodies dealing with the welfare of children at the national, regional and local levels remains insufficient. Moreover, the Committee is concerned about the insufficient implementation of recommendations of the Council for Children by relevant government bodies, in practice.

**11. The Committee recommends that the State party take all necessary measures to strengthen the capacity and authority of the two coordinating bodies, with the aim of further enhancing coordination among the different government bodies at all levels, and provide the necessary human, technical and financial resources for their effective functioning. It also recommends that the State party ensure effective follow-up to recommendations of the Council for Children.**

#### **Allocation of resources**

12. While welcoming the State party's commitment, expressed during the dialogue, that, in times of fiscal and budgetary constraints, efforts are made to sustain social investment for, and the social protection of, children, the Committee expresses its concern at the negative effects of austerity measures on public spending, which affect benefits and services provided to families with children, especially the Roma, as well as the high level of corruption. The Committee reiterates its concern about the lack of disaggregated data with regard to resources allocated for children at the national and local levels.

**13. The Committee urges the State party to:**

**(a) Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights and, in particular, increase the budget allocated to social sectors and address disparities on the basis of indicators related to children's rights;**

**(b) Adopt a child-rights approach in the preparation of the State budget, with clear allocations for children to the relevant sectors and agencies, as well as specific indicators and a tracking system;**

**(c) Establish mechanisms to monitor and evaluate the efficacy, adequacy and equitability of the distribution of resources allocated to the implementation of the Convention;**

**(d) Define strategic budgetary lines for children in disadvantaged or vulnerable situations who may require affirmative social measures, and ensure that those budgetary lines are protected, even in situations of economic crises, natural disasters and emergencies;**

**(e) Provide impact assessments of austerity measures in areas that are directly or indirectly related to children's rights;**

**(f) Take all necessary measures to prevent and combat corruption;**

**(g) Provide disaggregated information on the proportion of the national budget allocated to the implementation of children's rights at the national and local levels.**

#### **Data collection**

14. While noting that some progress has been made with regard to statistical data collection, the Committee reiterates its concern that data available through official statistics are not representative of the situation of all children, especially children belonging to different ethnic groups and children living in vulnerable situations. In particular, the Committee is concerned that data are not disaggregated and are presented in age groups that do not correspond to the definition of the child, as provided for in the Convention, or they focus on adults; some of the data relevant for understanding the situation of children in the State party are not systematically registered, such as data on school dropouts; and challenges regarding consistency and reliability of data remain.

**15. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child, the Committee urges the State party to expeditiously improve its data collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, geographic location, ethnic or national origin and socioeconomic background, in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability. Furthermore, the Committee recommends that the data and indicators be shared among the government bodies concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.**

#### **Independent monitoring**

16. While noting the progress achieved by the State party in keeping a separate, independent Ombudsman for Children and in strengthening the mandate thereof, the Committee is concerned that draft legislation concerning children is not always made available for review by the Ombudsman for Children, which constitutes part of its mandates.

**17. In the light of its general comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party:**

**(a) Ensure that the Ombudsman for Children can effectively carry out its mandate, including reviewing draft laws relating to children's rights;**

**(b) Continue to strengthen the independence of the Ombudsman for Children, including with regard to its funding, mandate and immunities, to ensure full compliance with the Paris Principles.**

#### **Dissemination, awareness-raising and training**

18. The Committee takes note of the various efforts made by the State party to disseminate information, provide training and raise awareness on the Convention. However, it is concerned that public awareness of children's rights remains low, the Convention is not systematically disseminated among children and the public at large and the State party is not undertaking training activities with regard to the Convention in a systematic and targeted manner, particularly for professionals working with and for children.

**19. The Committee recommends that the State party:**

**(a) Strengthen its efforts to disseminate the Convention, including in minority languages;**

(b) Sensitize the public in general, including children, about children's rights;

(c) Ensure systematic, mandatory and ongoing training on children's rights for the public at large, children and professionals, in particular the judiciary, social workers, law enforcement officials, health-care personnel, persons working in all forms of alternative care and the media.

## **B. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

20. While welcoming the adoption of the Act against Discrimination and the Act on Gender Equality, in 2008, and other efforts undertaken to counter discrimination, such as amending the Penal Code to include hate crimes, the Committee is concerned that de facto discrimination against children in marginalized and disadvantaged situations continues to be prevalent and that the number of complaints received by the Ombudsperson for Children relating to discrimination against children, in particular Roma children in the field of education, has risen.

21. **In the light of article 2 of the Convention, the Committee recommends that the State party ensure that all children in the State party enjoy equal rights under the Convention without discrimination. In particular, it recommends that the State party:**

(a) Intensify efforts to ensure the effective elimination of all forms of discrimination against children, through, inter alia, awareness-raising programmes and intercultural and interreligious dialogue, especially at the community level and in schools;

(b) Ensure that its programmes address the situation of discrimination against children in marginalized and disadvantaged situations, including children belonging to ethnic and religious minority groups, Roma children, children living in poverty, children with malignant or rare diseases and foreign children.

### **Best interests of the child**

22. The Committee welcomes the inclusion of the principle of the best interests of the child in the State party's legislation and policy documents, as well as its consideration by judges in decisions affecting children. However, the Committee remains concerned that the right of the child to have his or her best interests taken as a primary consideration is not applied consistently and that there is a lack of systematic training and guidance for relevant authorities.

23. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, as well as in all policies, programmes and projects relevant to and having an impact on children. In that regard, the Committee encourages the State party to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving the best interests of the child due weight as a primary consideration. Such procedures and criteria should be disseminated to courts of law, administrative authorities, legislative bodies, public and private social welfare institutions and the public at large.**

**Respect for the views of the child**

24. The Committee notes that the right to be heard is included in a number of laws, including the Family Act, and that Children Town and County Councils have been established. However, the Committee is concerned that:

- (a) Children's views are not adequately taken into account in practice in all matters that affect them, including judicial and administrative proceedings;
- (b) There is insufficient training of professionals working with and for children;
- (c) Traditional societal attitudes towards children continue to place restrictions on respect for their views in the family, schools, other institutions and society at large;
- (d) Existing National School Students Councils and Youth Councils are not functioning effectively;
- (e) Consent to medical intervention for children under the age of 18 can only be given by the child's representative.

25. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen the realization of this right, in accordance with article 12 of the Convention. To that effect, it recommends that the State party:**

- (a) Consider establishing systems and/or procedures for social workers and courts to comply with the right of all children to be heard;**
- (b) Ensure that professionals in the judicial, welfare and other sectors dealing with children systematically receive appropriate training;**
- (c) Carry out awareness-raising activities to further promote the meaningful participation of all children within the family, community and schools, including within student councils, with particular attention to children in marginalized and disadvantaged situations, in order to change societal attitudes that perceive children as passive subjects of adult decision-making;**
- (d) Provide training for children on how to participate in the community and in student councils;**
- (e) Ensure that the views of the child are taken into account in cases of medical interventions, as indicated in the Committee's general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health.**

**C. Civil rights and freedoms (arts. 7, 8 and 13–17)****Name and nationality**

26. The Committee welcomes the accession of the State party to the 1961 Convention relating to the Reduction of Statelessness, but remains concerned that the Act on Croatian Citizenship does not ensure citizenship for all children born in the territory of the State party as it is still possible that a child, who has been considered Croatian national until the age of 14, can become stateless if it is determined that his or her parents are foreign citizens and he or she cannot acquire their nationality. Moreover, the Committee welcomes the adoption of the National Strategy for Roma Inclusion and its related action plan, aimed at resolving the status of the Roma in the State party, but is concerned that it does not adequately address the issue of citizenship for Roma children.

27. **The Committee reiterates its previous recommendation (CRC/C/15/Add.243, para. 32) that the State party undertake measures to ensure that all provisions of the**

Act on Croatian Citizenship are in conformity with article 7 of the Convention and the 1961 Convention relating to the Reduction of Statelessness and that the law is implemented in a non-discriminatory manner, including through reducing administrative obstacles associated with the acquisition of Croatian citizenship that mainly affect children from minority groups, in particular Roma children. The Committee also recommends that the State party consider ratifying the 1997 European Convention on Nationality and the 2009 Council of Europe Convention on the avoidance of statelessness in relation to State succession.

#### **Right to privacy**

28. While noting several legislative and other measures taken to ensure protection against violations of the privacy of children, including the adoption of a Rulebook on the Protection of Juveniles, the Committee is concerned that the privacy of children is insufficiently respected, in particular in the media, health-care and social welfare institutions and that, in practice, relevant legislation is insufficiently implemented.

29. **The Committee recommends that the State party take all necessary measures to ensure respect for children's privacy and dignity in all aspects of their lives and facilitate the promotion of children as individuals and subjects of rights.**

#### **Access to appropriate information**

30. The Committee is concerned that libraries in remote areas and smaller communities are inadequately equipped for children and television and radio programmes do not always meet the needs of children and are of low quality. The Committee is further concerned that children are still exposed to inappropriate media content, such as pornography and alcohol advertisement, and that there is a lack of consistent monitoring and adequate sanctions for violations.

31. **The Committee recommends that the State party strengthen its efforts to ensure that children have access to sufficient and appropriate information, including through innovative and suitable means, to protect them from harmful and injurious material, and to ensure that violations are adequately investigated and addressed, including through criminal sanctions.**

### **D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Corporal punishment**

32. While noting that corporal punishment of children is prohibited in the State party and that various measures have been taken to combat this practice, such as the Council of Europe campaign against corporal punishment of children, the Committee is concerned that corporal punishment is still used as a disciplinary method in the family and is widely accepted in society.

33. **In line with its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party strengthen its efforts, including through awareness-raising and parenting education programmes, to end the practice of corporal punishment in all settings, in particular in the family, and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative.**

### **Sexual exploitation and abuse**

34. The Committee welcomes the achievements made in the area of prevention and treatment of sexual exploitation and abuse and the incorporation of all the provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse into the new Criminal Act. The Committee is nevertheless concerned about the lack of adequate support systems for victims, incidents of re-victimization of children, insufficient measures aimed at deterring perpetrators and limited access to prevention programmes for children, because they are not systematically organized.

35. **The Committee recommends that the State party:**

- (a) **Provide adequate training for police personnel, members of the judiciary and professionals working with and for children, with the aim of prevent re-victimization;**
- (b) **Strengthen coordination between all actors in the protection system;**
- (c) **Strengthen awareness-raising and education programmes, including campaigns, aimed at preventing and responding to sexual exploitation and abuse, targeting parents, children and community members;**
- (d) **Take all necessary measures to deter perpetrators of such crimes;**
- (e) **Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents of the World Congresses against the Sexual Exploitation of Children.**

### **Freedom of the child from all forms of violence, including abuse and neglect**

36. The Committee welcomes the adoption of the National Strategy of Protection against Family Violence 2011–2016 and notes the variety of violence prevention programmes carried out. However, the Committee is concerned that there is no adequate response to family violence and violence against children in practice; the approach to prevention of violence is not systematic; and data on the exact numbers of children suffering abuse, neglect or family violence are not officially collected and available. The Committee is further concerned about ongoing violence experienced by children in schools, social welfare and other institutions, including physical violence, bullying, social exclusion and emotional violations, and the lack of adequate training for law enforcement officials, school teachers and staff in social welfare and other institutions to effectively respond to incidents of violence.

37. **Recalling the recommendations of the 2006 United Nations study on violence against children (A/61/299) and the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

- (a) **Ensure the effective implementation of the National Strategy of Protection against Family Violence 2011–2016 and provide information on the results achieved in the next periodic report;**
- (b) **Further strengthen awareness-raising and education programmes with the involvement of children, in order to prevent and combat all forms of violence against children;**
- (c) **Adopt a national coordinating framework, including civil society organizations, to effectively address all forms of violence against children;**

(d) Establish a national database on all cases of domestic violence against children and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(e) Provide training programmes for all professionals working with and for children, including teachers and social workers, aimed at helping them to recognize and effectively respond to incidents of violence;

(f) Provide adequate support, including psychological treatment, to victims of violence;

(g) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.

**E. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20–21, 25 and 27 (4))**

**Family environment**

38. The Committee welcomes the different social support services for families, including the Family Centres, as well as the amendment to the Social Welfare Act of 2014, which, inter alia, introduced guaranteed minimum benefits. However, the Committee is concerned about:

(a) Insufficient availability and quality of support services offering counselling and assistance to families, with regard to the performance of their child-rearing responsibilities;

(b) Insufficient measures of support for families with working parents, such as part-time work, flexible working hours, and other measures to meet parents' needs to provide quality care for children while at work;

(c) Lack of quality support services for children with disabilities and their families, children in remote areas and children living in poverty;

(d) Lack of adequate guidance and supervision for families in which there are signs of neglect or abuse;

(e) Lack of transparency in decisions to pronounce supervision of parental care and clearly established criteria on the selection of supervisors, as well as inadequate monitoring and evaluation of supervision measures;

(f) Inadequate human, technical and financial resources provided to Social Welfare and Family Centres.

39. **The Committee recommends that the State party strengthen its efforts to provide families with the necessary support to enable them to fulfil their obligation towards their children and to ensure their well-being and development. In particular the Committee recommends that the State party:**

(a) **Further strengthen assistance and support services to parents and legal guardians in their child-rearing responsibilities and promote measures to support working parents, including considering collaboration with the business sector;**

(b) **Ensure that the needs of all children are met, including children with disabilities and children living in remote areas and situations of poverty;**

(c) **Provide guidance and supervision for families whose children may be exposed to neglect or abuse;**

(d) **Establish a clear framework for supervisory measures, including control and evaluation measures, criteria for the selection of supervisors, as well as effective appeal mechanisms;**

(e) **Allocate sufficient human, technical and financial resources to ensure the effective functioning of the Social Welfare and Family Centres and provide continuous training to professionals employed in those centres.**

#### **Children deprived of a family environment**

40. While welcoming the Master Plan for the Deinstitutionalization and Transformation of Social Welfare Institutions 2011–2018, the Committee is concerned that:

(a) Despite the implementation of the deinstitutionalization plan, the number of children in institutional care is not decreasing;

(b) Institutional care is the predominant means, rather than a measure of last resort, for addressing the needs of children deprived of a family environment, including very young children, and there is a considerable number of children in institutional care being subject to such placement due to socio-economic hardship and/or lack of support services for impoverished families;

(c) There is a lack of adequate monitoring and supervision of institutional care and foster parents;

(d) There is inadequate support and after-care services for children when they leave institutional care;

(e) Despite a recruitment campaign and other positive developments relating to foster care, there are not enough foster parents in all regions and insufficient training in, and support for, child-rearing is provided to them;

(f) Models of specialized foster care, inter alia, for children with behavioural problems, children with disabilities, children living with HIV/AIDS and pregnant girls and mothers under 18 years of age are still not used, in practice, and not adequately conceptualized and regulated.

41. **Drawing the State party's attention to the United Nations Guidelines for the Alternative Care of children (General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty — or conditions directly and uniquely attributing to such poverty — should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In that regard, the Committee recommends that the State party:**

(a) **Ensure full implementation of the Master Plan for the Deinstitutionalization and Transformation of Social Welfare Institutions 2011–2018, in particular through strengthening support for family- and community-based care for children, wherever possible, and foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children;**

(b) **Establish adequate safeguards and clear criteria, based on the best interests of the child, for determining whether a child should be placed in alternative care, and ensure that the views of the child are respected;**

(c) **Conduct periodic reviews of the placement of children in foster care and institutions and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;**

(d) Strengthen its support to children leaving alternative care to ensure their independent living;

(e) Strengthen the promotion and recruitment of foster families to ensure regional distribution and provide systematic training in, and support for, child-rearing for foster families;

(f) Strengthen its system of specialized foster care for children with behavioural problems, children with disabilities, children living with HIV/AIDS and pregnant girls and mothers under 18 years of age.

**F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33)**

**Children with disabilities**

42. The Committee welcomes the measures taken by the State party to ensure inclusive education for children with disabilities. The Committee is however concerned that:

(a) Cross-sectoral coordination and standardized developmental screening protocols and tools are lacking, resulting in missed opportunities for early childhood intervention;

(b) The number of children with disabilities in institutional care is increasing and adequate treatment and care are lacking in the institutions;

(c) There have been incidents of ill-treatment of children with disabilities in some health care institutions;

(d) The support system for children with disabilities to ensure inclusive education is unevenly developed, particularly in rural areas; many schools do not provide the necessary conditions for inclusive education; funding for teaching assistants is not always available; and teachers and other school personnel are not sufficiently trained;

(e) Abandoned children with disabilities are primarily placed in health-care institutions, not in children's institutions, and are therefore not included in official data of children available for adoption.

43. **In the light of article 23 of the Convention and its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:**

(a) **Improve and strengthen early detection and treatment services in the health and education sectors;**

(b) **Prevent institutionalization of, and ensure sufficient alternative family- and community-based care options for, children with disabilities deprived of a family environment;**

(c) **Ensure adequate training of personnel working in health-care institutions on the medical practice regarding respect for the dignity of children with disabilities, and carry out regular inspections of institutions with long-term placement;**

(d) **Strengthen its efforts to establish State-wide inclusive education, including through the allocation of necessary resources, and ensure regular training for teachers and other school personnel;**

(e) **Ensure that abandoned children with disabilities are included in the list of children available for adoption.**

#### **Health and health services**

44. The Committee is concerned about the uneven geographical coverage of health services for children; the shortage of health-care professionals; and the lack of adequate support for children in need of mental health-care systems. The Committee is further concerned that, despite legislative improvements allowing parents to stay in the hospital with their children, accommodation facilities are still limited and treatment of hospitalized children is not always adequate.

45. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

(a) **Strengthen its efforts to ensure that all children enjoy equal access to health services, with particular emphasis on children in rural areas and from minority groups;**

(b) **Allocate adequate human resources to maintain the quality of health care;**

(c) **Take all necessary measures to ensure adequate support for children in need of mental health care;**

(d) **Strengthen its efforts to ensure that, in practice, children are not separated from their parents and that they are treated in accordance with the rights set out under the Convention, including the right to privacy, confidentiality and to be heard, when they are hospitalized;**

(e) **Seek financial and technical assistance from the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), among others, in that regard.**

#### **Adolescent health**

46. The Committee notes the efforts undertaken by the State party to prevent and reduce alcohol consumption and smoking among adolescents. However, the Committee is concerned that laws are not respected or enforced, resulting in the easy availability of alcohol, especially non-registered alcohol, for adolescents and an increase in drinking, including binge drinking, among young people, especially girls, as well as an increase in the use of psycho-active drugs. The Committee is further concerned about the lack of long-term, systematic health education, including on sexuality, responsible sexual behaviour and sexually transmitted infections, including HIV/AIDS.

47. **In the light of its general comments No. 4 (2003) on adolescent health and No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party strengthen measures to address alcohol and drug consumption and abuse, in general, as well as alcohol use by children and adolescents, through education programmes and campaigns to promote healthy lifestyles, and ensure enforcement of regulations on the sale and advertising of alcohol and tobacco products to children. The Committee also recommends that the State party strengthen measures to raise awareness on sexual and reproductive health, with special attention to sexually transmitted infections, and ensure systematic health education.**

**Breastfeeding**

48. While noting that the measures taken by the State party, such as the Baby-Friendly Hospital Initiative, have resulted in an increase in breastfeeding, the Committee is concerned that:

- (a) There is still a lack of awareness of the benefits of exclusive breastfeeding and the risks of formula feeding;
- (b) Despite the prohibition of its distribution, the “Happy Baby” package, which violates the International Code of Marketing of Breast-milk Substitutes, is still being distributed through obstetrics and gynaecology offices, pharmacies and the company’s website;
- (c) Systematic monitoring of breast-milk substitutes marketing is not carried out.

49. **The Committee recommends that the State party take action to improve the practice of exclusive breastfeeding, through awareness-raising measures, the provision of information and training to relevant officials, particularly staff working in maternity units, and parents. The Committee also recommends that the State party take all the necessary legislative and structural measures, including monitoring, to control the marketing of breast-milk substitutes.**

**G. Education, leisure and cultural activities (arts. 28–31)****Education, including vocational training, and guidance**

50. The Committee notes the efforts made by the State party with regard to improving inclusive education. However, it remains concerned that many children in vulnerable and disadvantaged situations, including Roma children, children with disabilities, children living in poverty, children living in remote areas and foreign children, do not have equal access to the education system. Moreover, the Committee is concerned that:

- (a) Roma children continue to be segregated in schools;
- (b) The education system continues to be centralized and uniform in the design of programmes;
- (c) There is a lack of systematic human rights education programmes;
- (d) There are insufficient support mechanisms for, and lack of monitoring of, children outside the educational and vocational training system.

51. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

- (a) **Ensure that all children have equal access to education, in particular children in vulnerable and disadvantaged situations;**
- (b) **End segregation of Roma children and ensure their full integration into mainstream education;**
- (c) **Strengthen measures to move towards decentralization and pluralism in the design of educational programmes, with a view to encouraging child-centred learning and the active participation of children;**
- (d) **Strengthen the national plan of action for human rights education, as recommended in the framework of the World Programme for Human Rights Education proclaimed by the General Assembly in its resolution 59/113;**

(e) **Expand support for, and vocational education and training of, children who have left school, so as to enable them to acquire competencies and skills to enhance their work opportunities.**

#### **Early childhood education and care**

52. The Committee is concerned about limited availability of affordable and high quality early child care and education and other community-based services, in particular for families in remote or less developed areas and in situations of poverty.

53. **The Committee recommends that the State party allocate sufficient financial resources for the development and expansion of early childhood education, including by ensuring a sufficient number of kindergartens, based on a comprehensive and holistic policy of early childhood care and education, as well as other community-based services for all families.**

#### **Rest, leisure, recreation and cultural and artistic activities**

54. The Committee notes information provided by the State party about various activities aimed at realizing children's rights to rest and leisure and to engage in play and recreational activities, but it is concerned about the lack of adequate play spaces and facilities in many communities, that they are not properly regulated and about the increasing phenomenon of children having to pay for leisure activities.

55. **The Committee draws the State party's attention to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, and recommends that the State party undertake measures to increase children's free access to play and sports facilities, cultural, leisure as well as other educational and recreational activities, including in institutional settings; that it ensure adequate financial support for those activities; and regulate and improve the quality thereof .**

### **H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

#### **Asylum-seeking and refugee children**

56. While welcoming the efforts of the State party to reform and strengthen the asylum system, including the adoption in 2013 of the Protocol related to the treatment of children separated from parents, the Committee is concerned that certain shortcomings relating to the protection of unaccompanied and separated children still exist. In particular, the Committee is concerned that:

(a) While the State party has established a guardianship system for unaccompanied and separated children, their adequate protection is not ensured as guardians are either selected among overburdened social workers or from the group with which the child had travelled;

(b) The Reception Centre for Asylum-Seekers in Kutina has not yet been converted to accommodate vulnerable groups of asylum seekers, as envisaged under the Migration Policy adopted on 22 February 2013;

(c) Reception conditions for unaccompanied and separated children are not adequate;

(d) Asylum-seeking children are not provided with free legal aid or other appropriate forms of assistance for all stages of the process;

(e) Asylum seeking children continue to face difficulties in accessing education.

57. **In line with its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party effectively implement the Protocol related to the treatment of children separated from parents and take all necessary measures to ensure that:**

(a) **Adequate financial and human resources to improve the guardianship system for unaccompanied and separated children are allocated;**

(b) **All measures envisaged under the Migration Policy are effectively implemented;**

(c) **Reception centres are child-friendly and conform to applicable United Nations standards;**

(d) **Asylum-seeking children are provided with free legal aid or other appropriate forms of assistance throughout all stages of the asylum process;**

(e) **Asylum-seeking children have effective and non-discriminatory access to education.**

#### **Administration of juvenile justice**

58. The Committee is concerned that:

(a) Insufficient funds and organizations are available to carry out alternative measures;

(b) Children are subject to prolonged pretrial detention;

(c) Detention centres are not regularly visited by judges, despite their legal obligation to carry out such visits;

(d) Children are still detained together with adults in some institutions, and conditions of detention facilities for children and reformatories are inadequate;

(e) Adequate training of those involved in the administration of juvenile justice is lacking.

59. **The Committee urges the State party to bring its juvenile justice system fully into line with the Convention, in particular articles 37, 39 and 40, as well as with other relevant standards and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party:**

(a) **Further promote diversion and alternative measures to detention, such as probation, mediation, counselling or community service, wherever possible, including through the allocation of sufficient human, technical and financial resources;**

(b) **Ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;**

(c) **In cases where detention is unavoidable, ensure that the children are not detained together with adults, that detention conditions are compliant with international standards, including with regard to access to education and health services, and that centres are regularly visited by judges;**

(d) **Ensure that all persons involved in the administration of juvenile justice receive appropriate education and training.**

To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by relevant United Nations bodies.

#### **I. Ratification of international human rights instruments**

60. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

61. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the report is overdue as of 13 June 2004.

#### **J. Cooperation with regional bodies**

62. The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

### **IV. Implementation and reporting**

#### **A. Follow-up and dissemination**

63. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third and fourth (as relevant) periodic reports, the written replies of the State party and the present concluding observations be made widely available in the languages of the country.

#### **B. Next report**

64. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 7 October 2019 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation of the report for the purposes of consideration by the treaty body cannot be guaranteed.

65. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).

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