



Croatian Parliament rejects Ombudsperson for Children's Report

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Description

The Croatian Parliament voted in June 2016 not to accept the Annual Report of the Ombudsperson for Children. The move threatens the independence of the institution and reflects growing politicisation of issues of child and family rights.

At the end of a two day debate, the Croatian Parliament (Sabor) voted on 10 June 2016 by 64 votes to 56, with 9 abstentions, not to accept the Annual Report for 2015 from the Ombudsperson for Children (henceforth OfC), Ivana Milas Klarić. The vote follows a similar vote three weeks earlier in which Parliament voted by 63 votes to 43 with 4 abstentions against accepting the report of the general Ombudsperson, Lora Vidović.

The OfC is an independent body consisting of the OfC and two Deputies. It was established in 2003 to protect, monitor and promote the rights and interests of children on the basis of the Croatian constitution and international treaties and laws. It is a part of the general Ombudsperson's office, together with Ombudspersons for Gender Equality and for Persons with Disabilities.

The Law on the OfC (NN 96/03) establishes that the OfC "monitors the coordination of laws and other regulations in the Republic of Croatia, concerned with the protection of the rights and interests of children, with the provisions of the Constitution of the Republic of Croatia, of the Convention on the Rights of the Child, and other international documents" (Art. 6(1)1). It stresses that the OfC may take part in preparing draft regulations concerned with the rights of children or those

regulating important issues for children including Family Law provisions (Art. 8) and that the OfC is authorised "to warn, give proposals and make recommendations" (Art. 10). It requires the OfC to submit annual reports about their work to the Croatian Parliament (Art. 18) and states that the OfC shall be relieved of their duties in the case of non-acceptance of their annual report (Art. 25(5)).

The Annual Report for 2015 submitted to Parliament (a short Summary Report in English is available from the OfC website) did not differ in any significant respect from previous reports which had previously always been accepted unanimously by Parliament. In addition, the report had already received the approval of the Parliamentary Committee on the Family, Youth and Sport and the Government of Croatia.

The report focuses on individual breaches of children's rights as well as on the general state of affairs regarding children's rights in education, health, social and economic rights, culture, and child participation. As the report notes, in 2015 a total of 2,144 individual violations of children's rights were processed and the office conducted a further 1,092 general initiatives for the protection of children's rights. The report points to challenges in terms of the rights of national minority children,

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especially Roma; the rights of children with behavioural problems; the rights of children of incarcerated parents; and, in the context of the refugee crisis, the rights of children on the move.

In the Parliamentary debate, a number of MPs focused on the controversial subject of the Family Law in Croatia. A new Law, modernising many aspects of family policy in line with European practice, was passed in 2014. In 2015, after a campaign led by a wide coalition of NGOs, the Constitutional Court suspended the new Law, largely because of procedural irregularities. A new Family Law came into effect on 1 November 2015, and the OfC's report suggests, in Section 6.2 that in terms of the legal protection of the family and the role of the OfC in relation to Family Law (pp. 156-7), the new Law is a step backwards. More specifically, it ignores suggestions which the OfC believes are "of strategic importance" and about which they "have been warning for a number of years" (p 157) - including the establishment of family courts and the protection of the property rights of children in care.

The centre-right Government in May 2016 announced the establishment of a working group to examine the new Law, largely in terms of their commitment to supporting what they term "traditional family values". Significantly the OfC was not invited to take part in this working group. In this context, a number of MPs interpreted the criticisms of the new Family Law in the OfC's report as problematic. However, the Government was defeated in a vote of confidence on 16 June 2016 and now acts as a technical Government until new elections can take place, likely in September 2016. Parliament will be dissolved on 15 July 2016 and it is unclear, at this stage, whether a further vote will be taken on whether to dismiss the

OfC from her post as it has been argued that the vote was not explicitly against the report but rather against the recommendation of the Parliamentary Committee.

Outlook & Commentary

MPs from the ruling coalition interpreted some parts of the OfC report as undermining the Constitutional Court decision to suspend the Family Law. Some MPs also interpreted the OfC statement that a vote against her report would undermine the independence of the institution of the OfC as disrespecting the right of the Parliament to discuss the report.

The vote against the OfC report may reflect an increasing radicalisation of a coalition of forces demanding the strengthening of "traditional family values". Although nothing in the OfC's report relates directly to this, the current post-holder is viewed by some on the right-wing of Croatian politics as not sufficiently in tune with the demands of this movement. This coalition won a referendum held in 2013, defining marriage, in the Constitution, as "a union of a man and a woman", and has recently been active in advocating changes to Croatia's abortion laws which, in principle, respect a woman's right to choose. The votes against both the report of the general Ombudsperson and the Ombudsperson for Children challenge the independence of these institutions and indicate the possibility of further politicisation of the issue of children and family rights in Croatia, relating to the rights of the LGBTQ population, for example.

The OfC has been praised for its work by the United Nations Committee on the Rights of the

Child which, as recently as 2014, stressed the importance of strengthening the independence of the institution. It is not yet clear how international bodies, including the European Union, will react to what appears to be a politically-motivated attack on the institution.

Further reading

Republic of Croatia (2003) The Law on the Ombudsman for Children, Official Gazette 96/2003.

United Nations Committee on the Rights of the Child (2014) Concluding observations on the combined third and fourth periodic reports of Croatia. CRC/C/HRV/CO/3-4, 13 October.

United Nations Office of the High Commissioner for Human Rights (1993) Principles relating to the status of national institutions (The Paris Principles), web: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx> (accessed 15 June 2016).

Website of the Ombudsperson for Children <http://www.dijete.hr/en.html> (accessed 15 June 2016)

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