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| Study on children's involvement in judicial proceedings - contextual overview for administrative justice - CroatiaJuly 2014 (Research carried out between July 2013 and January 2014) |



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Abbreviations

CA Competent Authority

CoE Council of Europe

CPA Civil Procedure Act

EACH European Association for Children in Hospital

EC European Commission

EU European Union

LAD Law on Administrative Disputes

LAP Law on Administrative Procedure

UNCRC United Nations Convention on the Rights of the Child

# Introduction

Introduction and context

The promotion and protection of the rights of the child is one of the objectives of the EU on which the Treaty of Lisbon has put further emphasis. This report is part of a study ‘to collect data on children’s involvement in judicial proceedings in the EU’ which supports the implementation of the Commission Communication of 15 February 2011 ‘[An EU Agenda for the rights of the child’](http://ec.europa.eu/justice/fundamental-rights/rights-child/eu-agenda/index_en.htm), which identified the lack of reliable, comparable and official data on the situation of children in the Member States (MS). This deficiency is a serious obstacle to the development and implementation of evidence-based policies and is particularly evident in the context of child friendly justice and the protection of children in vulnerable situations. Making the justice system more child friendly in Europe is a key action of the EU Agenda. It is an area of high practical relevance where the EU has, under the Treaties, competences to turn the rights of the child into reality by means of EU legislation. Improved data is crucial to the framing of such legislation.

The objective of this study is:

* to establish statistics and collect data based on structural, process and outcome indicators on children involved in administrative judicial proceedings for the years 2008-2010 (and 2011 if available) for all 28 EU Member States;
* to provide a narrative overview of children's involvement in administrative judicial proceedings in the EU. The report describes the situation in each Member State as at 1 June 2012.

This report examines the safeguards in place for children involved in **administrative judicial proceedings**. The [Council of Europe Guidelines on child-friendly justice](http://www.coe.int/t/dghl/standardsetting/childjustice/publicationsavailable_en.asp) serve as a basis for the analysis of the provisions affecting children in civil judicial proceedings in each Member State.

Structure and scope

This report describes the national administrative justice system insofar as children’s involvement is concerned. The scope of this report is **limited to judicial proceedings**, which include proceedings before judicial or other authorities competent to judicially decide on the matter. The rules applicable to proceedings before administrative authorities do not fall within the scope of this study. In addition to general administrative judicial proceedings, this report reviews the safeguards in place for children in seven specific sectors:

* General rules applying to administrative judicial proceedings including judicial proceedings reviewing administrative authorities’ decisions;
* Judicial proceedings in the sector of asylum;
* Judicial proceedings in the sector of migration;
* Judicial proceedings in the sector of education;
* Judicial proceedings in the sector of health;
* Judicial proceedings in the sector of placement into care;
* Judicial proceedings in the sector of administrative sanctions;
* Judicial proceedings regarding offences committed by children below the age of criminal responsibility (MACR).

Depending on the Member State, judicial proceedings in those seven sectors may be dealt with by different courts through administrative, civil or criminal judicial proceedings. For example, in one Member State, decisions in the health sector may be dealt with by juvenile courts through civil judicial proceedings while in another Member State such decisions may be dealt with by administrative courts through administrative judicial proceedings. However, for the sake of clarity and completeness, and consistency from one country report to another, the rules applying to the judicial proceedings falling within the sectors mentioned above will be described in this administrative justice overview no matter whether they are dealt with through civil or administrative judicial proceedings.

**Chapter 1** provides an overview of the Member State’s approach to children in administrative judicial proceedings and judicial proceedings in the above sectors. It includes a description of the competent authorities and services.

**Chapter 2** of this report is divided into sections (2.1, 2.2, etc.) according to the different safeguards examined (e.g. the right to be heard, the right to information, etc.). Each of these sections is divided into subsections describing the different rules applying to children involved in those judicial proceedings. The first subsection describes the general rules applying to judicial proceedings (including judicial proceedings reviewing administrative authorities’ decisions).

**NOTE:**

**If specific rules exist for children involved in judicial proceedings in one of the seven specific sectors, e.g. asylum, migration, education, those rules will be described in further separate subsections. On the contrary, if no specific rules exist in those sectors, the general rules described in the first subsection will be the only rules described.**

According to each Member State’s legislation, there might be **cross references between civil procedural rules and administrative procedural rules**. Therefore it should be noted that:

* General rules and principles codified in a substantive or procedural law code (e.g. Civil Code, Civil Procedural Code, Judicial Code) may apply to any proceeding before any court (e.g. rules concerning procedural capacity are likely to be described in the Civil Procedural Code, however those rules also apply to administrative judicial proceedings). These general rules and principles may be supplemented by sector specific procedural or substantive rules.
* Specific sections of Civil, Civil Procedural and Judicial Code may include rules specifically regulating administrative judicial proceedings or proceedings before other authorities competent to judicially decide on the matter (e.g. Chapter X of Civil Procedural Code laying down provisions on judicial review of administrative decisions).
* Specific Administrative Code, Administrative Procedural Code or administrative procedurals laws may apply to administrative judicial proceedings or proceedings before other authorities competent to judicially decide on the matter.

The table below summarises the relevant proceedings and competent court in the sectors mentioned above. For the sake of completeness, the table includes the relevant judicial proceedings and the competent court in the field of family law and employment law, which are described in the [**overview for civil justice**](http://bookshop.europa.eu/children-in-civil-judicial-proceedings).

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| **Type of judicial proceedings and court competence per sector[[1]](#footnote-1)** |
|  | **Contextual overview for civil justice[[2]](#footnote-2)** | **Contextual overview for civil justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** |
| **Sectors:** | **Family** | **Employment** | **Asylum** | **Migration** | **Education** | **Health** | **Placement in care** | **Administrative sanctions** | **Offences < MACR[[3]](#footnote-3)** |
| **Type of proceeding applying in the sector** | Civil judicial proceedings | Civil judicial proceedings | Administrative judicial proceedings  | Administrative judicial proceedings  | Administrative judicial proceedings  | Administrative judicial proceedings. Civil judicial proceedings in the field of mental health  | Administrative judicial proceedings Civil judicial proceedings in certain cases when the civil courts impose measures for the protection of a child | Special proceedings regulated by the Act on Offences | Administrative judicial proceedings |
| **Competent court(s)**  | Civil courts | Civil courts | Administrative courts are competent to review administrative authorities’ decisions. | Administrative courts are competent to review administrative authorities’ decisions. | Administrative courts are competent to review administrative authorities’ decisions. | Administrative courts are competent to review administrative authorities’ decisions.Civil courts are competent to decide in the field of mental health | Administrative courts are competent to review administrative authorities’ decisions.Civil courts are competent in certain cases to impose measures for the protection of a child | Offence Court in first instance and High Court of Offences in second instance for proceedings as regulated by the Act on Offences | Administrative courts are competent to review administrative authorities’ decisions. |

Overview of Member State’s approach to children in administrative Judicial proceedings and specialised services dealing with such children

## Brief description of judicial system and institutions

Administrative justice system

Administrative procedure in Croatia is primarily regulated by two framework laws: the [Law on Administrative Procedure](http://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku)[[4]](#footnote-4), adopted in March 2009 and in force as of 1 January 2010, further referred to as LAP, and the [Law on Administrative Disputes](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima)[[5]](#footnote-5), adopted in January 2010 and in force as of January 2012, further referred to as LAD. The [LAP](http://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku) prescribes rules based on which the State authorities proceed and decide on administrative matters. These are matters in which the public administrative authorities decide on the rights, obligations and legal interests of private and legal persons[[6]](#footnote-6). The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima), on the other hand, provides procedural rules under which the administrative courts issue decisions on the lawfulness of decisions issued by the public administrative authorities. Neither [LAP](http://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku) nor [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) contains any child-specific rules and thus the same rules apply to children and adults alike.

Administrative decisions in Croatia are reviewed exclusively by specialised administrative courts. The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) introduced a two-tier system for the resolution of administrative disputes in Croatia. As of 1 January 2012, there are four regional administrative courts of first instance and the [High Administrative Court](http://www.upravnisudrh.hr/index.php) as the instance of appeals. Administrative courts decide on complaints against individual decisions of public administrative authorities; complaints against a failure to issue a decision within the time limit specified by law; complaints against administrative contracts and the enforcement of administrative contracts. The High Administrative Court, among others, decides on appeals against the judgements of administrative courts. In addition, complaints against individual decisions of public administrative authorities are reviewed by the [Constitutional Court](http://www.usud.hr/) if such decisions violate human rights and fundamental freedoms guaranteed by the Croatian [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske).

Access to courts in administrative judicial proceedings is subject to a precondition that **all available regular administrative remedies are exhausted**[[7]](#footnote-7). Usually, it is the supervisory administrative institution that reviews decisions of subordinate institutions. If a person has not filed such an appeal or has filed it after the deadline, an administrative judicial proceeding will not be initiated. Only in cases stipulated by the law may persons appeal directly before the administrative courts.

The field of **asylum** **and migration**, in general, is regulated by the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu)[[8]](#footnote-8) and the [Law on Foreigners](http://www.zakon.hr/z/142/Zakon-o-strancima)[[9]](#footnote-9). Decisions in this field are reviewed by administrative courts in administrative judicial proceedings according to the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima).

Decisions in the **field of education** are issued according to the [Act on Preschool Raising and Education](http://www.zakon.hr/z/492/Zakon-o-pred%C5%A1kolskom-odgoju-i-obrazovanju)[[10]](#footnote-10) and the [Act on Elementary and High School Raising and Education](http://www.zakon.hr/z/317/Zakon-o-odgoju-i-obrazovanju-u-osnovnoj-i-srednjoj-%C5%A1koli)[[11]](#footnote-11). Judicial review of decisions adopted in this field is dealt with by an administrative court under an administrative judicial proceeding according to the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima).

Decisions in the **field of health** are issued according to the [Health Protection Act](http://www.zakon.hr/z/190/Zakon-o-zdravstvenoj-za%C5%A1titi)[[12]](#footnote-12), which is the framework law governing this area. In line with the [Act on the Protection of the Rights of the Patient](http://www.zakon.hr/z/255/Zakon-o-za%C5%A1titi-prava-pacijenata) every patient, including a child, has the right to appeal health related administrative decisions[[13]](#footnote-13). Children in the field of health care are also protected under the [EACH Charter on Rights of Children in Hospitals](http://palijativna-skrb.hr/files/Povelja_o_pravima_djeteta_u_bolnici_EACH.pdf)[[14]](#footnote-14). Not all decisions of health institutions can be reviewed. The [Health Protection Act](http://www.zakon.hr/z/190/Zakon-o-zdravstvenoj-za%C5%A1titi) clarifies which decisions are capable of being appealed. Where appeals are allowed, such decisions are reviewed in administrative judicial proceedings by administrative courts as set by the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). However, if the patient’s right has been violated or his/her health endangered, it is more likely that the case will be dealt with under criminal, e.g. in cases of malpractice, or civil judicial proceedings, e.g. for compensation of damage, rather than an administrative judicial proceeding. Treatment of **mental health** patients and the procedure of their detention is set out in the [Act on Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama)[[15]](#footnote-15), applicable both to adults and children. In all such cases, the necessity of placement or detention of a child in a mental care institution is decided by a civil court under a civil judicial proceeding.

Decisions concerning **children in need of care and protection** are issued according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). Decisions concerning placement of children into care are decided by administrative decisions of the social services, i.e. the Centres for Social Care in Croatia. These decisions are reviewed by an administrative court under an administrative judicial proceeding according to the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). However, also the civil courts have certain competence to impose measures for the protection of a child, such as placing a child into care. These cases usually involve matters of parental responsibility.

Childrenwho have committed offences not having reached **the minimum age of criminal responsibility (MACR),** which is 14 years old in Croatia, cannot be held liable for the offences. However, if there are reasonable grounds for believing that the child has an inclination towards exhibiting anti-social or criminal behaviour, the Police informs the child’s parents or guardian and the social services, i.e. the competent Centre for Social Care. The social services proceed according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) or the [Social Welfare Act](http://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi) and investigate the child’s personal and family circumstances and if social services determine anything suspicious related to an offence, to a child who committed an offence or to persons responsible for a child who committed an offence, they need to report it to the police or state attorney for further investigation. In cases where the offence was committed by a child due to the negligence of his/her parents, guardian or other person responsible for the child, these persons are held liable for the offence according to the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon)[[16]](#footnote-16) and must stand trial before the Offence Court. In case of criminal offences, the applicable rules are the ones provided for in the [Youth Courts Act](http://www.zakon.hr/z/180/Zakon-o-sudovima-za-mlade%C5%BE)[[17]](#footnote-17) and the proceedings will be held at the Youth Court, as elaborated in more detail in the criminal report.

When social services identify that the circumstances of committing a minor offence[[18]](#footnote-18) or a crime merit social protection of the child, the Social Welfare Centre undertakes necessary actions as provided for in the Family Act or Social Welfare Act[[19]](#footnote-19). The decision taken by the social services can, as a rule, be appealed before the higher administrative authority, and in turn the decision of the higher administrative authority (and exceptionally, when the appeal is not permitted, the decision of the social care centre itself) can be taken to the Administrative Court that will decide through an administrative judicial proceeding[[20]](#footnote-20).

Croatia does not have a system of **administrative sanctions**. Cases of anti-social behaviour and road traffic offences, among others, are regulated by special rules as prescribed by the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) adopted in March 2013, and in force as of as of 1 June 2013. These matters fall under the competency of a specialised court, the [Offence Court](http://sudovi.pravosudje.hr/), where these cases are decided by a single judge. In cases of appeals against the Offence Court, the [High Court of Offences](http://sudovi.pravosudje.hr/VPSRH) sits in camera with three judges and decides on the appeals of the decisions of the Offence Court. Since matters of anti-social behaviour and road traffic offences are decided by a special court and under special rules, these proceedings are of a special nature and thus cannot be considered as administrative, criminal or civil proceedings[[21]](#footnote-21).

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

1. [Protocol of Procedure in the event of violence among children and youth](file:///C%3A%5CUsers%5Cgk%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CUsers%5Cai%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CAppData%5CRoaming%5CAppData%5CRoaming%5CDownloads%5CProtokol%2Bo%2Bpostupanju%2Bu%2Bslucaju%2Bnasilja%2Bmedju%2Bdjecom%2Bi%2Bmladima.pdf)[[22]](#footnote-22);
2. [Protocol of Procedure in Cases of Domestic Violence](file:///C%3A%5CUsers%5Cgk%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CUsers%5Cai%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CAppData%5CRoaming%5CAppData%5CRoaming%5CDownloads%5CProtokolopostupanjuuslucajunasiljauobitelji.pdf)[[23]](#footnote-23);
3. [Protocol of Procedure in Cases of Sexual Violence](file:///C%3A%5CUsers%5Cgk%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CUsers%5Cai%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CAppData%5CRoaming%5CAppData%5CRoaming%5CDownloads%5CProtokol%20o%20postupanju%20u%20slucaju%20seksualnog%20nasilja_final.pdf)[[24]](#footnote-24);
4. [Protocol for unaccompanied children](file:///C%3A%5CUsers%5Cgk%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CUsers%5Cai%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CDownloads%5CProtokol%20Djeca%20bez%20pratnje.VladaRH%2018.07.2013..pdf)[[25]](#footnote-25),
5. [Protocol for identification, help and protection of the trafficking victims](file:///C%3A%5CUsers%5Cgk%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CUsers%5Cai%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CDownloads%5C54_09.pdf)[[26]](#footnote-26), and
6. Protocol for abused and neglected children – currently in the adoption procedure[[27]](#footnote-27).

Specialised institutions

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

In addition to the general governmental authorities that hold the overall responsibility for the protection of the rights of children ([Ministry of Social Policy and Youth](http://www.mspm.hr), [Ministry of Health](http://www.zdravlje.hr), [Ministry of Labour and Pension System](http://www.mrms.hr), [Ministry of Justice](http://www.pravosudje.hr)), there are specialised competent authorities, for example, the [Ombudsman for Children](http://www.dijete.hr). The Ombudsman for Children is an independent authority accountable to the Croatian Parliament. It was established by the [Law on Ombudsman for Children](http://www.zakon.hr/z/264/Zakon-o-pravobranitelju-za-djecu)[[28]](#footnote-28) adopted on 18 June 2003, with the objective of protecting and monitoring the rights and interests of children.

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

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

In child protection cases, the social services play a significant role in accordance with the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon)[[29]](#footnote-29). Centres for Social Care have the possibility to influence court decisions. In court proceedings initiated by the social services, they have the legal status of a party[[30]](#footnote-30). These centres can also participate as the courts’ auxiliary authorities or interveners *sui generis*. Therefore, these centres have different opportunities to advocate for the children’s best interests[[31]](#footnote-31). This is especially relevant in a child protection case where the social worker, or the Centre for Social Care, is the first to register the need for the protection of a child. The social services decide on the placement of a child into care when both parents are absent, seriously ill, or for other reasons, unable to provide the child with adequate care. The social services have the right to implement these measures with or without the consent of the parents.

According to the [Social Welfare Act](http://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi)[[32]](#footnote-32), adopted in March 2012, the Centres for Social Care provide psychological support to children involved in judicial proceedings and evaluate the situations of children in their families, and their relationships with their parents. Moreover, the Centres for Social Care may interview the child and prepare him/her for the court hearing – including any type of judicial proceeding of their own initiative, at the request of the child in his/her own right, or ordered by the court[[33]](#footnote-33).

Multidisciplinary measures

Whilst fulfilling their duties, the Centres for Social Care may cooperate with NGOs dealing with the protection and treatment of children and with other institutions, such as the Office of State Administration, and the Ministry of Interior and Town Councils. Competencies of authorities involved in the protection of children’s rights and interests are clearly separated. Whilst the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) stipulates a general obligation to cooperate, there are no formalised cooperation procedures in relation to children involved in administrative judicial proceedings, setting out a statutory obligation to seek and take account of advice from other authorities, or setting out how different authorities should work together.

## General approach towards children under administrative law: evolving capacities, best interests of the child, principle of non-discrimination

Main principles/objectives

The main principles for children’s involvement in judicial proceedings and for the protection of children’s rights stem from the [Constitution of Croatia](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske)[[34]](#footnote-34). Whilst there are no provisions setting out the main principles or objectives for children’s involvement specifically in administrative judicial proceedings, there are general principles, such as the principles of equality and non-discrimination that relate both to adults and children. With respect to these principles, the [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske) states that all persons in Croatia enjoy the same rights and freedoms, regardless of their age, race, gender, language, religion, political or other convictions, national or social origin, financial situation, education, social status or other characteristics[[35]](#footnote-35). It also states that all persons are equal before the law.

In relation to prevention of any form of discrimination against children including age and capacity, the [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske) states that the freedoms of thought and expression are guaranteed to all citizens regardless of their age[[36]](#footnote-36). This implies that children are also free to express their views, in particular, in cases concerning their rights and interests. In order to ensure that children can express their opinions, [the Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) stipulates the children’s rights to be heard and express their opinions to the courts and social services[[37]](#footnote-37). Chapter VIII of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), with the title ‘Judicial Proceedings’, applies as *lex specialis* to all judicial proceedings involving children, and also to administrative judicial proceedings.

Child’s best interests

Protecting the best interests of the child is one of the guiding principles of all Croatian legislation and policy and, as such, must be observed in all court and administrative proceedings concerning children. This principle is enshrined in the [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske)[[38]](#footnote-38), which guarantees the protection of family life and the healthy development of all people, including children[[39]](#footnote-39). This principle is reflected in provisions stating that parents bear responsibility for the upbringing, welfare and education of their children. Parents are responsible for ensuring the rights of their children to full and harmonious personal development, whilst the State must devote special care to orphans and children neglected by their parents[[40]](#footnote-40). Moreover, it states that everyone has the duty to protect children and inform the relevant authorities about children in danger. Finally, the [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske) guarantees to everyone, including children, the right to have reviewed, any administrative decisions issued on behalf of State administration or other public administrative authorities[[41]](#footnote-41).

Croatian legislation does not specify the public administrative authorities or persons who would be responsible for the determination of the child’s best interests. There is also no reference to the child’s involvement in determining his/her best interests. In a case where more than one child is involved in a judicial proceeding, it is not required under Croatian law to separately assess their best interests. There are no checklists or protocols in place to determine the child’s best interests. Since Croatia is a party to the [UN Convention on the Rights of the Child (UNCRC)](http://www.unicef.hr/upload/file/300/150215/FILENAME/Konvencija_20o_20pravima_20djeteta.pdf)[[42]](#footnote-42), all conditions set out in the convention for determining the child’s best interests are also applicable in Croatia. In practice, the assessment of the best interests of the child is considered as a judgement of specialists involved in the procedures for child protection and can propose to the court a measure of protection for the child. The assessment of the best interests of the child is considered a professional assessment. Therefore, it is based on the principles and methods of work of professional experts (social workers, psychologists and others). After the assessment procedure a decision is taken in the best interests of the child by a team that includes: a social worker, a psychologist, a lawyer, and if necessary, other experts (e.g. special education teacher, educator)[[43]](#footnote-43).

Evolving capacity

Under Croatian law a child is defined as a person who is under the age of 18[[44]](#footnote-44). There are no specific measures in place to ensure respect for the child’s evolving capacity in the context of an administrative judicial proceeding. In practice, however, the child’s evolving capacity on the basis of his/her maturity and capacity to express views can be assessed in each particular case. The court may decide that the assessment of the child’s evolving capacity is necessary either *ex officio* or upon the request of one of the parties. Children cannot file a request in their own rights, as they lack procedural capacity. The assessment of the child’s evolving capacity is performed by a trained professional, such as child psychologist or social worker from the Centres for Social Care[[45]](#footnote-45). Evolving capacity can be assessed regardless of the role of the child in a legal proceeding.

Under Croatian law there is no statutory age limit for expressing views. If a child is considered to be mature enough, he/she will be heard by a competent professional and the court. It is a well-established practice, however, that the maturity of children who are under the age of three is not examined. In other words, children below the age of three are automatically considered as not mature enough to be questioned[[46]](#footnote-46).

Protection from discrimination

According to the Croatian [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske), everyone has the duty to protect children and persons in socially or economically vulnerable positions[[47]](#footnote-47). In addition, children in Croatia are protected under all provisions of the [UN Convention on the Rights of the Child](http://www.unicef.hr/upload/file/300/150215/FILENAME/Konvencija_20o_20pravima_20djeteta.pdf) (UNCRC)[[48]](#footnote-48), since Croatia is a party to the convention. In Croatian legal order, by its legal force, this convention is above Croatian laws. Therefore, relevant provisions from the [UNCRC](http://www.unicef.hr/upload/file/300/150215/FILENAME/Konvencija_20o_20pravima_20djeteta.pdf) are applicable directly by the public administrative authorities and in the courts. Furthermore, protection against discrimination is ensured by the [Law on Suppression of Discrimination](http://www.zakon.hr/z/490)[[49]](#footnote-49). It regulates protection from discrimination on the basis of race, ethnic origin, colour, gender, language, religion, political or other opinions, national or social origin, property, education, social status, marital or family status, age, health condition, disability, genetic heritage, sexual identity, expression and sexual orientation.

In Croatia, there are several mechanisms in place to protect a child from discrimination based on his/her age and capacity to act. Children who experience discrimination may contact institutions that are responsible for the protection of children’s rights – for instance, the Centres for Social Care. However, the institution primarily responsible for cases involving discrimination of children is the Children’s Ombudsman. Anyone, including a child may report or seek help in his/her own right in a case in which his/her right is violated. The [Law on Suppression of Discrimination](http://www.zakon.hr/z/490) provides a special procedure that can be initiated on account of discrimination dealt with under a civil proceeding before a municipal court of first instance. Children can initiate court proceedings through their legal representatives. They cannot act or be parties to court procedures in their own right. It is important to note that the Children’s Ombudsman cannot initiate a legal proceeding on behalf of the child who claims to be discriminated against. However, the Ombudsman can investigate discrimination cases and propose measures to ensure protection from discrimination, usually in the form of a warning to the public administrative authority with a request to inform the Ombudsman on the progress of implementation of the proposed measures.

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

In respect of migrant children, refugee and asylum seeking children, besides having their rights protected by the [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske) and the UN Convention on the Rights of the Child (UNCRC), their rights are protected in more detail by the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu)[[50]](#footnote-50). More information is provided in [Section 2](#_Child-friendly_justice_in).

## Monitoring mechanisms, multidisciplinary approach and training

Monitoring mechanisms

The [Croatian Ombudsman for Children](http://www.dijete.hr) is an independent authority accountable to the Croatian Parliament. It was established by [the Law on Ombudsman for Children](http://www.zakon.hr/z/264/Zakon-o-pravobranitelju-za-djecu) with the objective of protecting and monitoring the rights and interests of children related to all types of administrative procedures and judicial proceedings. Among others, the Ombudsman’s task is to monitor harmonisation of Croatian legislation with international agreements and conventions ratified by Croatia. The Ombudsman has the right to issue recommendations and address warnings to public administrative authorities dealing with children. Authorities are obliged to provide the Ombudsman with prompt responses on measures taken upon those warnings. If necessary, the Ombudsman can report malpractice to the supervisory authorities or alternatively, directly to the Croatian Government.

To perform its tasks, the Ombudsman has unlimited access to any data, information or files regarding any procedure involving children, including confidential data, and unlimited access to inspect premises providing shelters or any type of accommodation for children. The Ombudsman has the right to request expert assistance from any specialised institution, for example, to carry out psychological evaluation of a child or to provide assistance in questioning a child. The Ombudsman reports annually to the [Croatian Parliament](http://www.sabor.hr). In cases of significant infringement of rights of children, the Ombudsman can draw the Parliament’s attention by addressing particular issues in its special reports.

The [Constitutional Court of Croatia](http://www.usud.hr/), among other issues, decides on constitutional complaints against the decisions of public administrative authorities if the complaints concern the violation of human rights and fundamental freedoms. There are no limitations as to who can submit constitutional complaints.

Multidisciplinary measures

There are numerous multidisciplinary measures in place to ensure close cooperation between different professionals in order to obtain a comprehensive understanding of the child, and assess his/her legal, psychological, social, emotional, physical and cognitive situation with full respect for the child's right to a private and family life.

The [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon)[[51]](#footnote-51), which applies as *lex specialis* to administrative judicial proceedings, in its provisions, prescribes that all persons providing professional assistance, e.g. settling disputes between family members, are obliged to mutual cooperation[[52]](#footnote-52). There are also other provisions obliging mutual cooperation between the different authorities, such as the social services and the courts. For example, the court is obliged to notify the competent social services whenever it decides to apply a certain child protection measure in order to prevent the child from harm, e.g. a restraining order[[53]](#footnote-53). The Centres for Social Care are obliged, on the request of the court, to collect any data on the personal and family circumstances of a child, whenever the court finds it necessary[[54]](#footnote-54). Furthermore, the social services are obliged to launch a procedure for the placement of a child into care, or implementation of other measures, upon notification from another public administrative authority, the court, health institution or family members of the child in question[[55]](#footnote-55).

However, there is no legal obligation on the part of an administrative court to obtain such a multi-disciplinary understanding of the child. There are no common assessment frameworks for professionals – including lawyers, psychologists, physicians, immigration officials, social workers or mediators working with, or for children in administrative proceedings.

Interactions between criminal, civil and/or administrative judicial proceedings

Croatian legislation regulates the procedural links between civil and criminal, and civil and administrative proceedings in a way that allows these procedures to run in parallel, or to follow each other. However, where cases involve interactions between criminal, civil and/or administrative judicial proceedings, there are no formalised cooperation procedures to facilitate interaction between relevant organisations, such as the social services, Police officers, child psychologists, legal assistants, and lawyers.

Training and vetting requirements

There are no training requirements in place for actors, such as lawyers, judges, prosecutors, social workers, psychologists, paediatricians, and psychiatrists, who are in contact with children during judicial proceedings. The judges who review administrative decisions do not belong to a specific category and they are recruited the same way as judges of other jurisdictions. According to the [Law on Courts](http://www.zakon.hr/z/122/Zakon-o-sudovima)[[56]](#footnote-56), judges are required to continue their professional development by participating in educational and training programmes at the [Judicial Academy](http://www.pak.hr/) – a training centre for judges, court staff and State Attorneys. The training of judges is offered by the Judicial Academy and its five regional centres. There are special programmes intended for judges dealing with specific issues. However, to date, no specialised programmes in relation to children involved in administrative judicial proceedings have been offered. Thus, no basic training is required regarding children involved in administrative judicial proceedings either, after the initial Law qualification, or on-the-job training. Finally, there are no legal requirements that professionals working with, and for children are subject to regular vetting to ensure their suitability to work with children.

Child-friendly justice in administrative judicial proceedings

## The child as an actor in administrative judicial proceedings

### General procedural rules applicable to children involved in judicial proceedings including proceedings reviewing administrative authorities’ decisions in the sectors of asylum, migration, education, health, administrative sanctions and offences below the MACR.

The general rules described below apply to administrative proceedings in the sectors of asylum, migration education and health and children below MACR who committed an offence. They also apply to certain proceedings in the sector of placement into care (see [Section 1](#_Overview_of_Member)). Such rules do not apply to proceedings in the sector of mental health and some proceedings in the sector of placement into care as these proceedings are heard within civil judicial proceedings (see [Section 1](#_Overview_of_Member)). They also do not apply to proceedings in the sector of administrative sanctions. If sector specific rules apply, they will be described in separate subheadings below.

As explained in [Section 1](#_Overview_of_Member), access to courts in judicial administrative proceedings is in general subject to the precondition that all available regular administrative remedies have been exhausted[[57]](#footnote-57). Only in cases specifically stipulated by the law, may persons file appeals directly before the administrative courts. The appeal-filing period to initiate an administrative judicial proceeding is 30 days after the delivery of the disputed administrative decision to the person who is the subject of that decision.

There are no specific statutory or policy provisions regulating a child’s access to a court to appeal a decision of a public administrative authority. Therefore, the general rules provided by the [Law on Administrative Dispute](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) (LAD) apply equally to adults and children. Where the [LAD](http://zakon.hr/z/101/Zakon-o-upravnim-sporovima) does not provide relevant rules in relation to children, the [Civil Procedure Act](http://www.zakon.hr/z/134) (CPA)[[58]](#footnote-58) and the [Family Ac](http://www.zakon.hr/z/88/Obiteljski-zakon)t[[59]](#footnote-59) apply. This is also the case with regard to the procedural capacity of children. As the [LAD](http://zakon.hr/z/101/Zakon-o-upravnim-sporovima) does not regulate this matter, the rules on children’s procedural capacity in judicial administrative proceedings are set out by the [CPA](http://www.zakon.hr/z/134)[[60]](#footnote-60).

In a judicial administrative proceeding a child can participate in the role of a plaintiff, defendant – in appeal proceedings, witness and an interested party. Parties to the administrative dispute, according to the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima), are the plaintiff, respondent – the administrative authority whose decision is being reviewed in the first instance, defendant – in an appeal proceeding if the administrative authority has appealed the decision of the court of first instance, and the interested party[[61]](#footnote-61).

The child as a plaintiff/defendant

As noted in the Study to collect data on children’s involvement in civil judicial proceedings, according to Croatian legislation a child is a person who is under the age 18[[62]](#footnote-62). Therefore, until the age of 18 children do not have procedural capacity and must be represented in all legal affairs and procedures by their legal representatives. Exceptionally, children who are at least 16 and have become parents, can be granted full procedural capacity by the court[[63]](#footnote-63). Likewise, limited procedural capacity can be granted to children who are married or employed[[64]](#footnote-64). Married children have full procedural capacity typically in matrimonial disputes, whilst employed children can take formal steps in proceedings related to their employment contracts. The legal age of marriage and employment is 16 and 15 respectively.

Since the child’s legal representative acts on his/her behalf, there are no specific conditions or limits set for a child to bring an administrative case before the court and to continue the proceeding. The rules on representation of the child by a legal representative are described in the [CPA](http://www.zakon.hr/z/134) as *lex generali* and the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) as *lex specialis*. There are also no statutory provisions allowing a judge or the court any discretionary power to introduce or waive any conditions or limits for the child’s participation in a judicial proceeding. Nor are there any specific provisions for different age groups or very young children. If a child attains the age of 18 during proceedings, under the [CPA](http://www.zakon.hr/z/134) he/she acquires full procedural capacity and can proceed in his/her own right.

Since children below the age of 18 may not act on their own behalf in judicial proceedings, all actions on their behalf – including those within judicial proceedings, are taken by their legal representatives[[65]](#footnote-65). Such actions have the same legal effects as if they have been taken by the children themselves[[66]](#footnote-66). However, the court may, whenever it finds it necessary, invite a child plaintiff or defendant to be present in the hearing to obtain the child’s views on the case and its circumstances[[67]](#footnote-67). However, it should be noted that in practice, children are not usually required to participate in judicial proceedings[[68]](#footnote-68). The main actors involved in proceedings on behalf of children are their legal representatives under the conditions as described in [Section 2.6](#_Right_to_legal).

##### The child as an interested party.

The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) prescribes that an interested party in a dispute is any person whose rights or legal interests may be affected by the decision of a public administrative authority or the subsequent judgement delivered by the court. The child may be involved in the dispute in the status of an interested party at any time based on the court’s decision of its own motion, or on the proposal of another party to the dispute[[69]](#footnote-69).

The child as a witness

There are no specific provisions on witnesses in the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) and therefore the [CPA](http://www.zakon.hr/z/134)[[70]](#footnote-70) provisions apply. Namely, every individual who is summoned as a witness is obliged to accept the summon. However, only those who can give relevant information about the facts of the case may be heard as witnesses[[71]](#footnote-71). This implies that as long as a child can provide useful information – regardless of his/her age, he/she may be heard by the court. To hear child witnesses in a judicial proceeding, it is not required to have the permission of the child’s legal representative.

Children, the same as adults, can refuse to answer certain questions if there are important reasons to do so. For instance, if by giving testimony the person would be exposed to serious disgrace or it would cause him/her significant material damage, the person can refuse to testify. Likewise, witnesses are allowed not to testify against their close relatives. The courts explain to child witnesses their rights to refuse to testify[[72]](#footnote-72).

The child as a subject of proceedings

It is possible that children are the subjects of proceedings, for example, in proceedings on the placement of children into care. This subject matter is regulated by the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), but there are no specific provisions in relation to children as subjects of proceedings.

### Procedural rules applicable to children involved in immigration and asylum proceedings

The child as a plaintiff/defendant

In asylum proceedings, the same rules apply to children of foreign nationality if they are accompanied by their parents or other legal representatives, as to children in judicial administrative proceedings in general – explained above. However, the Centre for Social Care must appoint a guardian to an unaccompanied child seeking asylum who is under the age of 16[[73]](#footnote-73). Furthermore, an unaccompanied child seeking asylum, who participates in a judicial administrative proceeding as a plaintiff or defendant, has to be appointed a guardian prior to the initiation of proceeding. He/she may only initiate an administrative judicial proceeding through his/her guardian and may not access the court in his/her own right. A child who is over 16 years of age can apply for asylum in his/her own right[[74]](#footnote-74). For the same reason, a child who is older than 16 can also initiate a judicial administrative proceeding in his/her own right.

According to [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu), an appeal against a decision on asylum initiates a judicial proceeding at an administrative court. An appeal, in general, postpones the execution of the decision. The administrative court must notify the Ministry of Interior on its decision upon the appeal.

The child as a witness/subject of proceedings

The general procedural rules described above with regard to child witnesses and subjects in administrative judicial proceedings, regardless of the sector concerned, also apply to child witnesses and subjects in immigration and asylum proceedings.

### Procedural rules applicable to children involved in proceedings for placement into care

The child as a plaintiff/defendant/subject of proceedings

In general, children under the age of 18 do not have procedural capacity and they do not have the rights to appeal decisions in their own rights, related to the provision of social care. However, in child protection cases the social services play a significant role as they can initiate judicial proceedings and put in place interim and precautionary measures in accordance with the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon).

The social services with territorial competence, usually where the child lives, have the right to take an administrative decision and put a child into care in the following circumstances:

* both parents are deceased, missing, unknown or their whereabouts are unknown for at least one month;
* both parents are deprived of the procedural capacity or deprived of parental rights,
* both parents are children and have not acquired procedural capacity, and
* both parents are absent, seriously ill or for other reasons unable to provide the child with adequate care and have not placed their child under the care of another guardian[[75]](#footnote-75).

In addition, certain decisions of the social services to place a child into care are taken as a matter of urgency and are of a temporary nature. Regarding **compulsory placement** of a child into temporary care, the social services are obliged, immediately, or at the latest within the period of eight days, to entrust the care and upbringing of the child – with or without the consent of his/her parents, to another person, a children's home or other legal person providing social welfare services. If the child’s parents cannot take care of the child due to their absence, illness or other circumstances, the period for such placement is up to 60 days. An appeal against this decision does not postpone its enforcement[[76]](#footnote-76). If, after this period, the circumstances due to which the child was provided with out-of-home care still persist, the social services immediately issue a decision on placing the child under a permanent guardianship[[77]](#footnote-77). The social services also take decisions in respect to **voluntary placement** of children into care, parents may temporarily entrust the care and upbringing of the children to other private persons, who meets the requirements as guardians or the competent social services, among others – however it is only possible upon the approval of the social services[[78]](#footnote-78).

The social services may appoint a **special guardian** for the purposes of protecting certain personal and property rights and interests in the following circumstances:

* to a child involved in a conflict with his/her parents in a proceeding or dispute related to property matters or certain legal transactions; and in other cases, when the interests of a child and parents are in conflict[[79]](#footnote-79);
* to children who are in conflict between themselves, when the same person has parental care over them;
* to unaccompanied children of foreign nationality identified in Croatia.

All administrative decisions taken by the social services may be appealed to the [Ministry of Social Policy and Youth.](http://www.mspm.hr) Since children in general do not have procedural capacity, such appeals are usually filed by the children’s legal representatives. Further, these decisions are reviewed by administrative courts under administrative judicial proceedings according to the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima).

As mentioned in [Section 1](#_Overview_of_Member), the civil courts also have certain competences to impose measures for the protection of children – such as placing a child into care. These cases usually involve matters of parental responsibility. For instance, a child may be placed into care when one of his/her parents has died and the child was living with that parent[[80]](#footnote-80); a parent is considered to have significantly neglected the child’s upbringing, raising and education[[81]](#footnote-81); parents are incapable of properly raising the child showing disorderly behaviour[[82]](#footnote-82). In these cases, the courts may, in extra-contentious procedures, entrust the care and raising of the children to other persons, institutions or social service institutions[[83]](#footnote-83). The same as above, the child may not take any formal steps in his/her own right. In legal matters, children are represented by their legal representatives. In conflicting situations, a child will be appointed a special guardian who will take care of the child’s legal affairs.

The child as a witness

No specific rules have been identified for children as witnesses in the context of proceedings for placement of children into care.

### Procedural rules applicable to children involved in health proceedings

The child as a plaintiff/defendant/witness

No specific provisions were identified on children as plaintiffs, defendants or witnesses in the context of health proceedings according to the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama).

The child as a subject of proceedings

Besides the general rules, described above, the relevant legislation in respect to mental health patients and the procedure of their detention is the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama)[[84]](#footnote-84). It applies equally to both adults and children. Since in Croation law children below the age of 18, in general, may not act on their own behalf, placement of children with mental disorders into hospitals or specialised institutions is considered as placement without consent. Therefore, the consent must be given by the child’s legal representative (parents/guardians), or the competent social services authority[[85]](#footnote-85). This also relates to the right of appeal to a court against such a decision. Children may not act in their own right.

### Procedural rules applicable to administrative sanctions relevant to children

Cases of anti-social behaviour and road traffic offences in Croatia are regulated by special rules as prescribed by the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). This Act contains certain rules for a judicial procedure involving a child who has committed offences. In these proceedings, children can participate as plaintiffs – as damaged parties or interested parties, defendants and witnesses.

The child as a plaintiff

A child could have been caused certain damage by the offence, but the judicial offence proceeding is not initiated on his/her behalf. Instead, it is initiated, for example, by the State Attorney. Therefore, the child is not a plaintiff but rather a **damaged party**[[86]](#footnote-86). As a damaged party, the child has procedural capacity as of the age of 16[[87]](#footnote-87). Younger children exercise their rights through their legal representatives. In this role, an individual, adult and child, can actively participate in the proceeding and any time, before the court announces its decision, can bring the claim for reparation of damages. In the role of a damaged party, a person has the right to propose evidence, interview the defendants and witnesses, submit documents and, in general, take all other procedural steps allowed to any party of the proceeding[[88]](#footnote-88).

In a judicial offence proceeding an individual, adult or child, can also participate in the role of an **interested party**. As an interested party, the child also has procedural capacity as of the age of 16. A person, although not affected directly, can still be interested in the outcome of the dispute if it might concern his/her rights or interests. In terms of rights, the interested party has similar procedural rights to the damaged party[[89]](#footnote-89).

The child as a defendant

According to the, a child who has committed an offence before the age of 14 can never be held responsible for the offence. In case a child's frequent behaviour has the characteristics of serious offences, the competent State authority informs his/her parents/guardians and the competent Centre for Social Care with the aim of taking measures for family and legal protection. As explained in [Section 1](#_Overview_of_Member), the social services proceed according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) or the [Social Welfare Act](http://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi) and investigate the child’s personal and family circumstances in order to take steps to provide the child with the necessary care and protection (see Section 1 for further details).

[The Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) further distinguishes between two categories of children: children between 14 and 16 years of age – referred to as “younger minors”; children between 16 and 18 years of age – referred to as “older minors”[[90]](#footnote-90). This distinction is important when the court decides on the appropriate sanctions. In general, the court can impose on a child educational measures, protection measures, such as detention in police premises whilst intoxicated by drugs or alcohol, and sanctions – either as a fine or juvenile prison. Since children, in general, may not take any formal steps in their own right before turning the age of 18, they may not appeal decisions of the Offence Court. All legal steps in such a proceeding are taken by the child’s legal representative.

The child as a witness

There are no child-specific rules in the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) on child witnesses and therefore rules of the [Criminal Procedure Act](http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku)  apply as *lex generali*[[91]](#footnote-91). According to the [Criminal Procedure Act](http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku)[[92]](#footnote-92), the witness will be summoned to the court by court order, where he/she will also be notified on the time and place of the court hearing, will be provided with other relevant information on the case, and will receive a warning about the consequences of not appearing as a witness before the court without justification. A child witness, up to the age of 18, is summoned to the court through his/her legal representative[[93]](#footnote-93).

The child as a subject of proceedings

Considering the nature of a judicial offence proceeding, the issue of the child as a subject of a proceeding does not arise in the context of this proceeding in Croatia.

## Provision of information

The [Administrative Procedure Act](http://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku) contains a general requirement for all public administrative authorities to provide information to individuals who are subject to their decisions. The [Act](http://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku) does not contain any child-specific rules and therefore children, who in general do not have procedural capacity, would usually exercise this right through their legal representatives. The [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), on the other hand, guarantees the child the right to learn in an appropriate way, the important circumstances of the case, receive advice and express his/her opinion, and be informed about the possible consequences of respecting his/her views when it is decided upon any of his/her rights and interests. The child’s opinion must be taken into account in accordance with his/her age and maturity[[94]](#footnote-94).

The right to information on social rights and services is one of the main principles of the [Social Welfare Act](http://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi)[[95]](#footnote-95). Therefore, children have the rights to be informed by the social services on their rights and social welfare services available to them. Furthermore, children who are the subjects of administrative decisions in child protection cases, especially in relation to proceedings for placement into care, are also entitled to receive information about their appeal rights against such decisions[[96]](#footnote-96). This information is provided by the social workers responsible for the cases.

### General procedural rules applicable to children involved in judicial proceedings including judicial proceedings reviewing administrative authorities’ decisions in the sector of asylum, migration, education, health, placement into care and children below MACR who committed an offence

The general rules described below apply to administrative proceedings in the sector of asylum, migration education and health and children below MACR who committed an offence. They also apply to certain proceedings in the sector of placement into care (see [Section 1](#_Overview_of_Member)). Such rules do not apply to proceedings in the sector of mental health and some proceedings in the sector of placement into care as these proceedings are heard within civil judicial proceedings (see [Section 1](#_Overview_of_Member)). They also do not apply to proceedings in the sector of administrative sanctions. If sector specific rules apply, they will be described in separate subheadings below.

The child as a plaintiff/defendant

The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) prescribes only general provisions on the provision of information. It establishes the right of any party to proceedings – plaintiff/defendant (or an interested party), on all the information that is relevant to the case and judicial proceeding. There are no child-specific rules and therefore rules applicable to adults also apply to children. In general, it is the court’s obligation to make sure that any party to the proceeding is well informed on his/her rights[[97]](#footnote-97). Therefore, the court itself, *ex officio*, provides information to the child’s legal representative. According to the [CPA](http://www.zakon.hr/z/134) which applies in the absence of specific provisions in the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima), the child’s representative should receive information on all aspects of the judicial proceeding, including his/her rights, e.g. social and civil rights, the systems and procedures involved, consequences of the procedure, time and place of the court proceeding, general progress and outcome of the procedure, review of decisions affecting the child, rights of remedy for violations of rights, and availability of support services and access to documents. As information is usually provided to the adult representatives, there are no provisions to ensure that information is effectively delivered to the children and that information is provided in a child-friendly manner.

There is no guidance available for court authorities, law enforcement agents or defence counsels to ensure that children are informed of the availability of support services, such as health, social, legal advice, interpretation and translation, and of other organisations that can provide support measures and how to effectively access them. There are no official services that provide advice to children on their rights in judicial administrative proceedings or to any support services. However, child-friendly materials about children’s rights in judicial proceedings are available on the websites of the Ministry of Social Policy and Youth[[98]](#footnote-98) and the Children’s Ombudsman[[99]](#footnote-99). Another specialised website for children is AZANAS – providing child-friendly information on children’s rights in different situations such as in school or with family matters[[100]](#footnote-100). The website also contains information about health and safety, psychology and counselling. These materials are written for all children irrespective of age.

No provisions were identified to ensure that children receive information on special arrangements available in order to protect their best interests if they are residents in different Member States.

The child as a witness

There are no specific provisions related to informing a child witness, therefore the general rules from the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) and the [CPA](http://www.zakon.hr/z/134) apply. Children can participate in the proceedings as witnesses in their own right. Children receive information about the different aspects of civil proceedings via the subpoenas served to them. The subpoena, regardless of the age of the child, is addressed to him/her. The subpoena contains information about the trial and in particular about the date and place of the trial. As with adults, child witnesses are informed about their rights and obligations before being heard. Judges are in charge of providing such information to the witness. A child witness may request information from the courts in his/her own right. The child is not informed about the outcome of the court procedure, unless he/she attends the trial when the court communicates its decision to the parties. Witnesses have no rights to legal remedies, thus are not informed about the availability of such legal measures.

The child as a subject of proceedings

No specific provisions were identified in relation to the provision of information to child subjects of proceedings.

### Procedural rules applicable to children involved in proceedings for placement into care

The child as a plaintiff/defendant/witness

The general procedural rules described above also apply to child plaintiffs, defendants and witnesses in proceedings concerning placement into care.

The child as a subject of proceedings

According to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), a child who has been placed into care has the right to be informed on all details of his/her case in an adequate manner – including appropriate language and with details understandable to a child. In addition, a child has the right to express his/her opinion, to seek advice and to be informed about the possible consequences of respecting his/her views when it is decided on any of his/her rights and interests. The opinion of the child is assessed taking into account his/her age and maturity[[101]](#footnote-101). As already elaborated above, the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) is applicable as *lex specialis* in judicial proceedings involving children and thus the relevant provisions are also applicable in judicial administrative proceedings.

### Procedural rules applicable to children involved in health proceedings

The child as a plaintiff/defendant/witness

No specific provisions were identified on children as plaintiffs, defendants or witnesses in the context of health proceedings according to the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama).

The child as a subject of proceedings

A child who has no capacity to understand the proposed examination or medical treatment, can only be examined or provided medical treatment with the consent of his/her legal representative. Before obtaining the permission of the child’s parents or guardian, the physician is obliged to provide them with all the relevant information. Such information should also be provided to the patient[[102]](#footnote-102). The child’s opinion on this issue is assessed in accordance with his/her age and maturity[[103]](#footnote-103). A representative’s consent can be revoked at any time. Legal representatives that revoke their consent must be informed of all possible consequences that the patients would face if they do not proceed with the examinations or medical treatments[[104]](#footnote-104).

In urgent cases, children can be examined without the consent of the child him/herself and his/her legal representatives. It is a matter of urgency when there is an imminent danger to the child’s life or serious threat to his/her health. In these cases too, the medical specialist is obliged to explain to the patient, insofar as possible, the nature of the treatment and inform the child’s legal representative of the treatment to be provided[[105]](#footnote-105).

In a case when a child is detained for psychiatric treatment in a closed facility, see [Section 2.7](#_Restrictions_on_liberty), the psychiatrist taking this decision must immediately, but not later than within 12 hours, notify the competent civil county court, the child’s legal representative and the competent social services of this decision[[106]](#footnote-106). When the court approves detention, it must always elaborate its decision and inform the patient as well as his/her legal representative, including the lawyer who is appointed by the court for the protection of the patient’s rights[[107]](#footnote-107).

### Procedural rules applicable to administrative sanctions relevant to children

The child as a plaintiff/defendant

The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) contains a general requirement for the Offence Court to provide information to individuals participating in judicial proceedings. The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) does not contain any child-specific rules on providing information to children and therefore the general rules apply. This implies that children, the same as adults, have rights to receive any information relevant to judicial proceedings. However, children can only be informed through their legal representatives unless they have obtained procedural capacity before turning 18, e.g. due to marriage.

However, the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), which applies as *lex specialis* in this situation, provides that in all actions in which a child’s rights or interests are decided upon, the child has the right to learn, in an appropriate way, about the important circumstances of the case, receive advice and express his/her opinion and to be informed about the possible consequences of respecting his/her views when it is decided on any of his/her rights and interests. The child’s opinion is taken into account in accordance with his/her age and maturity[[108]](#footnote-108). Furthermore, the Offence Court is obliged to make sure that any party to the proceeding is well informed on his/her rights[[109]](#footnote-109). Therefore, the court itself *ex officio* provides information to the child’s legal representative. In particular, the representative is informed of his/her rights – including social and civil rights, the systems and procedures involved, consequences of the procedure, time and place of the court proceeding, general progress and outcome of the procedure, review of decisions affecting the child, rights of remedy for violations of rights, availability of support services and access to documents.

As the court usually provides information to the child’s legal representatives and thus the child is informed through the representatives, there are no provisions to ensure that information is effectively delivered to the child or that information is provided in a child-friendly manner. There is also no guidance identified for the Offence Court, law-enforcement agents or defence counsels to ensure that children are informed of the availability of support services (health, social, legal advice, interpretation and translation) and of other organisations that can provide support measures and how to effectively access them. There are no information services available to children advising them about their rights in judicial proceedings or any other support services.

The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) stipulates that a child is summoned to the Offence Court through his or her legal representatives. The same way a child is informed of all facts relevant to the case and the hearing unless it is necessary to inform him or her in person to ensure that proceedings are carried out without any delay – fast-track judicial proceedings, or due to other circumstances[[110]](#footnote-110). As explained in [Section 2.4](#_Protection_from_harm), the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) envisages fast-track judicial proceedings when a child is the defendant[[111]](#footnote-111).

##### The child as a damaged party

The Offence Court is obliged, on the request of a child in the role of a damaged party or if a party is obviously ignorant of his/her rights, to inform him/her on all his/her rights in these proceedings according to the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon)[[112]](#footnote-112).

The child as a witness

No special provisions have been identified on the provision of information to a child who is a witness to an offence according to the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon), and therefore the general rules from the [Criminal Procedure Act](http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku) apply. Furthermore, these general rules do not contain any special provisions regarding the rights of a child witness and thus, the child witness, just like an adult, will be provided with information on the case, the legal procedure and a warning about the consequences of a no-show without proper reason in a court order summoning him/her to stand as a witness.

The child as a subject of the proceedings

Considering the nature of judicial offence proceedings, the issue of the child as a subject of proceedings does not arise in the context of these proceedings in Croatia.

## Protection of the child’s private and family life

### General procedural rules applicable to children involved in judicial proceedings including judicial proceedings reviewing administrative authorities’ decisions in the sector of asylum, migration, education, health, placement into care and children below MACR who committed an offence

The general rules described below apply to administrative proceedings in the sector of asylum, migration education and health and children below MACR who committed an offence. They also apply to certain proceedings in the sector of placement into care (see [Section 1](#_Overview_of_Member)). Such rules do not apply to proceedings in the sector of mental health and some proceedings in the sector of placement into care as these proceedings are heard within civil judicial proceedings (see [Section 1](#_Overview_of_Member)). They also do not apply to proceedings in the sector of administrative sanctions. If sector specific rules apply, they will be described in separate subheadings below

The child as a plaintiff/defendant/witness/subject of proceedings

With respect to protection of personal data during judicial administrative proceedings, Croatian legislation does not contain any child-specific rules. Therefore, the same rules apply to both adults and children. Thus, there are no exceptions to the rule of protecting the child’s identity, privacy or personal data. Protection of personal data is regulated under the [Personal Data Protection Act](http://www.zakon.hr/z/220/Zakon-o-za%C5%A1titi-osobnih-podataka)[[113]](#footnote-113), which is harmonised with the requirements of EU [Directive 95/46/EC](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:EN:HTML)[[114]](#footnote-114). According to this act, controllers of personal databases are obliged to ensure that personal data contained therein are protected by established procedures and there are appointed persons responsible for the protection of data in these databases. This is a general requirement applicable to all public administrative authorities and the courts, social services and other authorities that are in possession of personal data of children (or adults) involved in judicial administrative proceedings.

The privacy of children is protected by provisions of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). Namely, in order to protect the child’s privacy, personal data, or any other circumstances that the court finds necessary, the court has the right to hold a court hearing involving a child behind closed doors[[115]](#footnote-115). Furthermore, the court on its own initiative can restrict access to a case file if that would be in the interests of the child[[116]](#footnote-116). The privacy of the child is protected through all stages of the administrative judicial proceeding. Furthermore, according to the [Social Welfare Act](http://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi), all professionals working with and for children, while providing any type of services, e.g. social workers, psychologists, psychiatrists, and other medical staff, must comply with strict confidentiality rules. In accordance with these rules, such professionals cannot disclose any information related to on-going or closed proceedings. They are obliged to keep any information on the child’s private life or family circumstances as a professional secret and disclosure of this information presents serious violation of the child’s rights[[117]](#footnote-117).

With respect to the child’s right to privacy and the media, the [Media Act](http://www.zakon.hr/z/38/Zakon-o-medijima)[[118]](#footnote-118) and the [Act on Electronic Media](http://www.zakon.hr/z/196/Zakon-o-elektroni%C4%8Dkim-medijima)[[119]](#footnote-119) contain certain child-specific rules. The applicable provisions state that the media are obliged to respect the privacy and dignity of all citizens and especially of children. Disclosure of information which could reveal the child’s identity is forbidden in a case where such disclosure would put the child at risk. Furthermore, the media are obliged to respect the identity of witnesses and crime victims, thus without their consent the media cannot disclose their identities. Images of children must be blurred and they can only be referred to by the initials of their names[[120]](#footnote-120). In accordance with the [Act on Electronic Media](http://www.zakon.hr/z/196/Zakon-o-elektroni%C4%8Dkim-medijima), the [Electronic Media Agency](http://www.e-mediji.hr) was established as an independent non-media organisation responsible for monitoring the relevant laws applied to the media.

Two self-regulatory measures applied by the media to protect the child’s right to privacy were identified by the [Croatian Radio Television Ethics Code](http://www.hrt.hr/index.php?id=186&tx_ttnews%5Btt_news%5D=211266&cHash=3609a39e50) (*Etički kodeks HRT-a*) and the [Code of Honour of Croatian Journalists](http://www.hnd.hr/uploads/20091130114042Kodeks_casti_hrvatskih_novinara.doc) (*Kodeks časti hrvatskih novinara*). However, there does not seem to be any independent non-media organisation that is responsible for monitoring the self-regulatory measures applied by the media.

Croatian legislation does not foresee special legal remedies for children whose rights to privacy or family lives have been violated. This implies that the same legal remedies that are available to adults, e.g. to claim compensation, are also available to children. For more details see [Section 2.8.](#_2.8_Remedies_or)

### Procedural rules applicable to children involved in proceedings for placement into care

The child as a plaintiff/defendant

The general rules on the protection of the children’s private and family lives, as described above, apply also to the proceedings for placement of children into care.

Legislation applicable to an administrative judicial proceeding in Croatia does not contain any statutory or policy provisions to avoid conflicts between the child and his/her family during the judicial proceeding. However, the [Family Actt](http://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi) prescribes that in a case where potential conflict may arise between the child and his/her parents, the child can be interviewed in the absence of his/her legal representative. In this case, the child is not heard by the court but by a social worker of the competent Centre for Social Care, or another expert, such as a child psychiatrist or a pedagogue. If the court then decides to call the child to the court, the competent Centre for Social Care gives to the court, beforehand, an assessment that the child is mature enough for such an expression and that he/she is ready to give a statement before the court[[121]](#footnote-121).

For the purposes of protecting the rights and interests of children during judicial proceedings whose interests conflict with the interests of their parents, special guardians must be appointed for the representation of the children[[122]](#footnote-122). The special guardian is appointed by a Centre for Social Care in a case where another authority makes a decision on the violation of the child’s rights – for instance, a criminal court in a proceeding on violence against a child, and by the court in a case when the decision-making is in the competence of the Centre for Social Care[[123]](#footnote-123), as explained in [Section 1.](#_1_Overview_of)

No guidance or support measures by specialised services to avoid adverse consequences of the judicial proceedings on family relations have been identified for children and their families.

The child as a witness/subject of proceedings

No specific rules were identified on child witnesses and subjects of proceedings concerning placement of children into care.

### Procedural rules applicable to children involved in health proceedings

The child as a plaintiff/defendant/witness

No specific provisions were identified on children as plaintiffs, defendants or witnesses in the context of health proceedings according to the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama) or the [Act on the Protection of the Rights of the Patient](http://www.zakon.hr/z/255/Zakon-o-za%C5%A1titi-prava-pacijenata).

The child as a subject of proceedings

Besides the general rules on the protection of the child’s private and family life, in health proceedings protection of privacy is also guaranteed both by the [Act on the Protection of the Rights of the Patient](http://www.zakon.hr/z/255/Zakon-o-za%C5%A1titi-prava-pacijenata) and the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). The [Act on the Protection of the Rights of the Patient](http://www.zakon.hr/z/255/Zakon-o-za%C5%A1titi-prava-pacijenata) provides that all patients, including children, have the right to conditions that ensure privacy during examination or medical treatment, and especially when provided with personal care. The patient has the right to confidentiality of data related to his/her health condition and the right to give statement on persons who may be informed on his/her health condition[[124]](#footnote-124). The [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama) further ensures that persons working in hospitals and institutions with mental health matters are obliged to keep, as a professional secret, any information obtained during the performance of their duties concerning their patients[[125]](#footnote-125). Any information may be disclosed only with the consent of the patient or his/her legal representative. However, there are exceptions foreseen when certain information may be disclosed without the consent of the patient or his/her legal representative. Namely, information can be shared with another physician who is providing medical assistance to the patient or provided to the social services and other public administration authorities in order to enable them to take care of a child. Information can also be disclosed for reasons of public interest – in a case of serious crime, or in order to protect public health. It is also allowed to disclose information in the interest of another person, if this is considered to be a priority matter in comparison to patient’s interests, e.g. prevention of reasonable risk to another person’s life or health[[126]](#footnote-126). Any medical documentation can only be accessed on behalf of the court and for the purpose to carry out a judicial proceeding[[127]](#footnote-127).

### Procedural rules applicable to administrative sanctions relevant to children

The child as a plaintiff/defendant/witness

Besides the general rules on the protection of the child’s private and family life,the right to privacy for a child is also guaranteed by the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). Proceedings involving children are always held behind closed doors and the courts may only allow the presence of certain persons, such as, professionals working in the area of child protection[[128]](#footnote-128). Furthermore, the court is obliged to inform all persons present on the possible consequences, in terms of criminal responsibility, if they disclose any information obtained during hearings concerning children[[129]](#footnote-129). This warning is also compulsory for the records of the hearings. According to the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon), only the court can decide to disclose any information obtained during the proceeding. When the court allows it, the disclosed information can never include the child’s name or any other data that can reveal his/her identity[[130]](#footnote-130).

Croatian legislation does not foresee special legal remedies for children whose rights to privacy or family lives have been violated. This implies that the same legal remedies, e.g. claiming compensation, that are available to adults are also available to children. For more details see [Section 2.8.](#_2.8_Remedies_or)

The child as a subject of proceedings

Considering the nature of these proceedings, issues of children as a subjects of proceedings do not arise in the context of these proceedings in Croatia.

## Protection from harm during proceedings and interviews and ensuring a child-friendly process

### General procedural rules applicable to children involved in judicial proceedings including judicial proceedings reviewing administrative authorities’ decisions in the sector of asylum, migration, education, health, placement into care and children below MACR who committed an offence

The general rules described below apply to administrative proceedings in the sector of asylum, migration education health and children below MACR who committed an offence. They also apply to certain proceedings in the sector of placement into care (see [Section 1](#_Overview_of_Member)). Such rules do not apply to proceedings in the sector of mental health and some proceedings in the sector of placement into care as these proceedings are heard within civil judicial proceedings (see [Section 1](#_Overview_of_Member)). They also do not apply to proceedings in the sector of administrative sanctions . If sector specific rules apply, they will be described in separate subheadings below

The child as a plaintiff/defendant

The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) does not contain any statutory or policy provisions to ensure that relevant decisions and the commencement of proceedings take place without undue delays. The law only sets general principles and requires the courts to act with promptness and efficiency[[131]](#footnote-131). For this reason, there are no mechanisms to monitor the implementation of the urgency principle.

In general, there are no requirements set by the law for public authorities and the courts to ensure that premises and places where children are involved in proceedings are non-intimidating and child-friendly[[132]](#footnote-132). Certain services for children involved in judicial proceedings are provided by the Centres for Social Care, such as assistance and preparation for proceedings, assessment of their age and maturity. It is not required that these services are provided in non-intimidating and child-friendly premises[[133]](#footnote-133).

There are no specific rules for precautionary and interim measures regarding children involved in judicial administrative proceedings. The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) only specifies that the court *ex officio*, or on the proposal of a party, may decide on precautionary measures[[134]](#footnote-134). For an example, a judge may impose temporary measure of placing a child into care during this proceeding. The child may not appeal against such decisions in his/her own right. It must be done through the child’s legal representative. In cases of conflict between children and their parents, children are appointed special guardians.

In order to ensure that children cope with judicial proceedings, the Centres for Social Care are responsible for providing children with psychological, practical and other support[[135]](#footnote-135). Social workers interview and communicate with children and their legal representatives in order to assess their family situations and the circumstances of the cases investigated before the courts[[136]](#footnote-136). In addition, they provide children and their representatives with basic information on judicial proceedings – but only general information since they are not legal professionals[[137]](#footnote-137). They also assist in seeking help from other professionals and help to find relevant information on legal matters[[138]](#footnote-138). Access to such services is either *ex officio* provided by social workers or is initiated by the courts. Upon the court’s request, a social worker may interview a child as a witness or be present during such an interview in the court room. Whenever the social services find it necessary, they can accompany the child throughout the judicial proceeding in order to safeguard the child’s rights and interests[[139]](#footnote-139). It should be noted that a child may also access such services in his/her own right.

Since the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) does not envisage any child-specific provisions in relation to the child’s legal representative, the [CPA](http://www.zakon.hr/z/134) rules apply stating that a child should always be represented by his/her legal representative unless he/she has obtained procedural capacity before turning the age of 18, e.g. due to marriage. This implies the presence of legal representatives during administrative judicial proceedings concerning children. There are no specific laws or policies in Croatia with respect to highly conflictual proceedings.

There are no general provisions in the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) on assisting the child in communications during a judicial proceeding, taking into account the child’s age and maturity, any communication difficulties, the child’s views, and to ensure that the child understands the proceeding and the decisions taken during proceeding. However, according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), the child has the right to learn, in an appropriate way, the important circumstances of the case, receive advice and express his/her opinion, and be informed about the possible consequences of respecting his/her views when it is decided on any of his/her rights and interests. The opinion of the child is taken into consideration in accordance with his/her age and maturity[[140]](#footnote-140). Social workers usually participate in obtaining opinions from children, upon the request of the courts[[141]](#footnote-141).

The general [CPA](http://www.zakon.hr/z/134) rules stipulate restrictions on participation of the general public and parties to proceedings. Namely, the court may decide to hear the case behind closed doors, if it is necessary, in order to review delicate evidence. This may also be done to protect the child from images or information that could be harmful to the child’s welfare. No guidance was identified to provide help to the court in carrying out this task. In addition, according to the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima), the court may restrict access to a certain case file in the public’s interest or, amongst others, in the interest of a party to the proceeding[[142]](#footnote-142).

There are no statutory or policy provisions to avoid the need for the child’s presence in the proceeding. Video and audio-visual equipment is not generally available in administrative courts in Croatia to facilitate testimony given by children. In practice, however, a child is not usually required to participate in a judicial proceeding. Communication between the courts and children is ensured through their legal representatives whilst interviews are conducted by social workers or other experts, e.g. medical experts, psychiatrists[[143]](#footnote-143). Nevertheless, if necessary, the court may require the child’s presence at the hearing.

Finally, the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) does not contain any child specific provisions to ensure that an interview, the court session and other actions – for instance, regular breaks, provisions on avoiding a lengthy hearing during the administrative procedure are adapted to the child’s pace and attention span and any communication difficulties the child may have. However, the general [CPA](http://www.zakon.hr/z/134) rules that apply in this respect leave it to the judge to decide when to disallow a child to testify in order to protect him/her from harm; when information and gathered evidence is admissible in court, e.g. by reason of the child’s age; when the special needs of the child and his/her age and maturity are taken into account whilst gathering information, when hearings should be adapted to the child’s pace and attention span and any communication difficulties the child may have; what should be the number of interviews in the judicial proceedings involving children (see also the Study to collect data on children’s involvement in civil judicial proceedings). There is no guidance available for court staff and judicial authorities to ensure that these child-friendly protocols are observed.

There are no materials available to provide support or guidance to children involved specifically in administrative judicial proceedings. However, child-friendly materials containing legal information about children’s rights in judicial proceedings are available on the websites of the Ministry of Social Policy and Youth[[144]](#footnote-144) and the Children’s Ombudsman[[145]](#footnote-145).

The child as a witness

The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) does not contain any specific rules on child witnesses and the general rules of the [CPA](http://www.zakon.hr/z/134) apply, as explained in [Section 2.1](#_The_child_as).

The child as a subject of proceedings

No specific provisions were identified in relation to protection from harm during proceedings and interviews and ensuring child-friendly processes with regard to children as subjects of proceedings.

### Procedural rules applicable to children involved in immigration and asylum proceedings

The child as a plaintiff/defendant

The same procedural rules, as described above, also apply with regard to children in immigration and asylum proceedings. The principle of emergency is only set out by the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu) in relation to an application for asylum made by an unaccompanied child[[146]](#footnote-146). Other than this, there are no rules identified in the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu) to ensure protection of children from harm, and child-friendly processes during immigration and asylum proceedings before administrative authorities or courts. Thus, the general [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) rules apply.

An unaccompanied child seeking asylum receives psychological and practical support from the guardian appointed to him/her by the social services. See [Section 2.1](#_The_child_as).

The child as a witness

The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) does not contain any specific rules on child witnesses and the general rules of the [CPA](http://www.zakon.hr/z/134) apply, as explained in [Section 2.1](#_The_child_as).

The child as a subject of proceedings

No specific provisions were identified in relation to protection from harm during proceedings and interviews and ensuring child-friendly processes with regard to children as subjects of proceedings.

### Procedural rules applicable to children involved in proceedings for placement into care

The child as a plaintiff/defendant/witness/subject of proceedings

The general procedural rules, described above, with regard to administrative judicial proceedings also apply to children in proceedings for placement into care. In addition, according to the [CPA](http://www.zakon.hr/z/134) and the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), measures, such as a restraining order, non-contact or limited contact order to protect a child from any individual involved in the proceeding, or related to the case, may be ordered by the court in a non-contentious proceeding. These procedures can be initiated by a social service worker, legal representative or the child him/herself[[147]](#footnote-147). Whenever the court takes such a decision, the competent Centre for Social Care is informed to provide any psychological, practical and other support to a child to ensure that he/she copes well with the judicial proceeding taking place. Such a decision by the court is taken in a fast-track procedure – at the latest within 60 days from the submission of the proposed measure by the social services, the child’s legal representatives or the child him/herself.

### Procedural rules applicable to children involved in health proceedings

The child as a plaintiff/defendant/witness

No specific provisions were identified on children as plaintiffs, defendants or witnesses in the context of health proceedings according to the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama).

The child as a subject of proceedings

In health proceedings, especially with respect to placement of individuals, adults or children, in hospitals or specialised institutions for psychiatric treatment, the urgency principle is embedded in provisions of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). All actions by medical specialists and the courts must be carried out immediately. If this is not possible, there are specific deadlines set by the law indicating the maximum period of time allowed to perform the necessary actions. For instance, a psychiatrist must perform the examination of the person within 72 hours. After taking the decision to keep the person in detention, within 12 hours the psychiatrist must inform the court. The court must approve or refuse detention within 72 hours[[148]](#footnote-148). Temporary detention can be approved for eight days and, after this period ends, the decision authorising detention needs to be revisited in the same procedure as explained above. The court may decide to prolong detention up to three months and afterwards, once more, for a maximum period of six months[[149]](#footnote-149).

There are no statutory or policy provisions to ensure that the premises and places where children are involved in health proceedings are non-intimidating and child-friendly. The only relevant provision prescribes that psychiatric treatment of children is conducted in psychiatric wards specialised in the medical treatment of children and youths, and separated from the adult wards[[150]](#footnote-150).

In order to support a person in a judicial proceeding, the court may inform and invite the competent Centre for Social Care to provide psychological, practical and other support to the child. Specifically, in a health proceeding, the court must also appoint a lawyer to protect the rights of the detained person –adult or child[[151]](#footnote-151).

### Procedural rules applicable to administrative sanctions relevant to children

The child as a plaintiff/defendant

The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) contains specific provisions prescribing fast-track proceedings involving children, for acts committed after they had turned 14. All competent authorities involved in judicial proceedings pursued against child defendants are obliged to proceed as speedily as possible[[152]](#footnote-152). If one offence was committed by a person who at the time was a child below the age of 18 and another offence was committed when he/she became an adult, the court also proceeds in a fast-track proceeding[[153]](#footnote-153).

There are no statutory or policy provisions to ensure that premises and places where children are involved in judicial offence proceedings are non-intimidating and child-friendly. However, when a child is interviewed, or other actions are taken in the child’s presence, everyone is required to take special care to avoid any harm to the child taking into consideration the child’s age and maturity[[154]](#footnote-154). Furthermore, if a judicial proceeding is initiated against a child, the court or the State Attorney must inform the competent Centre for Social Care. The social worker, in order to support the child through the proceeding, may join as an interested party[[155]](#footnote-155). Furthermore, if the Offence Court identifies any other circumstances indicating that the child needs special care or protection, it is also obliged to notify the competent Centre for Social Care[[156]](#footnote-156).

There are no specific provisions in the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) on assisting the child in communications during the proceeding, taking into account the child’s age and maturity, any communication difficulties, the child’s views, and to ensure that the child understands the proceeding and decisions. However, according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), the child has the right to learn, in an appropriate way, the important circumstances of the case, receive advice and express his/her opinion, and be informed about the possible consequences of respecting his/her views when it is decided on any of his/her rights and interests. The opinion of the child is taken into consideration in accordance with his/her age and maturity[[157]](#footnote-157). Social workers, upon the requests of the courts, usually participate in ascertaining the views of children[[158]](#footnote-158).

Provisions of the [Criminal Procedure Act](http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku) apply on restrictions in participation of the public or parties of the proceeding when the court reviews evidence and interviews witnesses. The public can be excluded upon a decision of a judge when a child is involved in a judicial proceeding and even the parties of the proceeding may be excluded whilst reviewing delicate evidence.

The child as a witness

There are no child-specific rules in the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) regulating a child as a witness. A child can be interviewed as a witness in the judicial offence proceeding under rules of the [Criminal Procedure Act](http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku) as *lex generali*.

Child witnesses below 14 years of age may only be questioned or give testimony via a video-link to the special Investigation Judge for Youth or by the Youth Judge who sits in a separate room[[159]](#footnote-159). For children from 16 years upwards this approach is recommended though optional. When a child is interviewed as a witness, a recording of the interview must be reproduced at the hearing[[160]](#footnote-160). A judge may also order a transcript to be made of the recorded testimony which thus becomes part of the interview. The testimony of the child witness will be read at the main hearing or reproduced by playing the recordings from the testimony and interview.

During the course of the interview, a child is placed in a separate room and has the possibility to be accompanied by a person the child trusts where this does not present a risk to the child or to the proceedings. The interview must be conducted in the presence of the child’s legal representative – parent, guardian, foster parent, person appointed for the safeguard and care of a child, officer from the Centre for Social Care and under specific circumstances it can also be conducted in the child’s home[[161]](#footnote-161), such as severe illness.

According to the [Criminal Procedure Act](http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku), a child can be examined as a witness unless he/she is not old enough or does not have the required level of maturity. This will be assessed by the expert assistants at the Youth Court. However, any knowledge or information gathered from that child by experts, family or any other person who was in close contact with the child can be used as evidence in the criminal proceeding. Furthermore, in interviewing children, especially child victims, the interview and testimony will be conducted with special care and concern so as not to cause any additional stress to that child.

Furthermore, when the child is present at the court hearings as a witness, he/she will be removed from the sessions as soon as his/her presence is no longer required, and precautionary measures will be taken for child witnesses and at the same time victims not to meet their offenders while attending the court sessions.

Finally, children, if they refuse to testify, are not subject to the provisions on arrest, pecuniary and/or prison punishment. A summons to the child to appear as a witness must be served through his/her or her parents[[162]](#footnote-162).

The child as a subject of proceedings

Considering the nature of these proceedings, the issues of children as subjects of proceedings do not arise in the context of these proceedings in Croatia.

## Right to be heard and to participate in administrative judicial proceedings

### General procedural rules applicable to children involved in judicial proceedings including judicial proceedings reviewing administrative authorities’ decisions in the sector of asylum, migration, education, health, placement into care and children below MACR who committed an offence

The general rules described below apply to administrative proceedings in the sector of asylum, migration education, placement into care, health and children below MACR who committed an offence. Such rules do not apply to proceedings in the sector of mental health as these proceedings are heard within civil judicial proceedings (see [Section 1](#_Overview_of_Member)). They also do not apply to proceedings in the sector of administrative sanctions . If sector specific rules apply, they will be described in separate subheadings below.

The child as a plaintiff/defendant/subject of proceedings

The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) provides that any party involved in the administrative judicial proceeding, including a child, has the right to be heard, i.e. can be interviewed, provide evidence, give testimony, and intervene in the proceeding. The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) stipulates that parties to proceedings can only exercise their rights in administrative judicial proceedings if they have procedural capacity. The matter of determining whether or not a person has procedural capacity is regulated by the [CPA](http://www.zakon.hr/z/134)[[163]](#footnote-163). The [CPA](http://www.zakon.hr/z/134), in this respect, states that children who, in general, lack procedural capacity may not take any formal steps in judicial proceedings and must be represented by their legal representatives (parents/guardians) or other persons authorised by them. Any legal actions taken on behalf of the child by his/her legal representative have the same effect as if they were taken by a party to the proceeding who, in this case, is a child[[164]](#footnote-164). Thus, the child’s right to be heard is also exercised through his/her legal representative. There are no statutory or policy provisions to ensure that children are consulted in the manner in which they wish to be heard.

As explained before, children are rarely invited to court hearings themselves, although the courts have the right to invite them if their testimonies are relevant to the case[[165]](#footnote-165). When a child is interviewed, based on this rule, according to the [CPA](http://www.zakon.hr/z/134), his/her views must be ascertained in an appropriate child-friendly manner by a social worker from the competent Centre for Social Care[[166]](#footnote-166). These social workers also have the rights to monitor proceedings concerning children, or even to join proceedings as interested parties.

Regarding access to interpretation and translation services, the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) ensures that such services are available to support adults and children to exercise their rights to be heard in their own language[[167]](#footnote-167). Thus all parties to administrative judicial proceedings have the rights to use their own language before the court. These services, however, are not provided free of charge. In a case concerning a child, the court may exempt the child from the obligation to pay legal costs, including costs for interpretation and translation services, after considering all the circumstances of the case and the financial situation of the party in question[[168]](#footnote-168).

The child as a witness

The general provisions from the [CPA](http://www.zakon.hr/z/134) apply in administrative judicial proceedings when interviewing child witnesses. Children witnesses can participate and be heard in administrative judicial proceedings in their own rights, as explained in [Section 2.1](#_The_child_as).

### Procedural rules applicable to children involved in immigration and asylum proceedings

The child as a plaintiff/defendant/subject of proceedings

As explained under general rules above, the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) provides that any party involved in the administrative judicial proceeding, including a child, has the right to be heard, i.e. can be interviewed, provide evidence, give testimony, and intervene in the proceeding. In general, the law does not allow children to participate in administrative judicial proceedings in their own right. However, unaccompanied children have the right to appear before the courts in their own right as of the age of 16[[169]](#footnote-169). Children below the age of 16, according to the general rules, may not pursue any legal actions in their own right. For this reason, unaccompanied children are assigned special guardians by the Centres for Social Services and thus they are heard by public authorities, including the courts, through their legal representatives. Other than this, no specific provisions on the child’s right to be heard and participate in an immigration and asylum proceeding were identified and therefore the general rules apply as explained above.

The child as a witness

With regard to child witnesses in immigration and asylum proceedings the same general procedural rules apply, as explained in [Section 2.1](#_The_child_as).

### Procedural rules applicable to children involved in health proceedings

The child as a plaintiff/defendant/witness

No specific provisions were identified on children as plaintiffs, defendants or witnesses in the context of health proceedings according to the Act on the Protection of Persons with Health Problems or the [Act on the Protection of the Rights of the Patient](http://www.zakon.hr/z/255/Zakon-o-za%C5%A1titi-prava-pacijenata).

The child as a subject of proceedings

In judicial health proceedings, the general rules apply as described above. Whilst receiving medical treatment, it should be noted that the patient has the right to receive full information, in a way understandable to him/her and taking into account his/her age and mental capabilities – with the aim to ensure that the patient is well-informed and can participate in decision-making on the necessary examination and treatment[[170]](#footnote-170). Children participate in this decision-making and are heard in these proceedings through their legal representatives[[171]](#footnote-171). Any examinations or treatments are possible upon the permission of their legal representatives. In urgency matters, when it is not possible to receive such permission, usually with regard to the psychiatric treatment of a person, the patient’s views are ascertained as much as possible[[172]](#footnote-172). The opinions of children are assessed in accordance with their age and maturity[[173]](#footnote-173).

### Procedural rules applicable to administrative sanctions relevant to children

The child as a plaintiff/defendant

The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) provides that any party involved in a judicial offence proceeding, including a child, has the right to participate in the proceeding and be heard, i.e. can be interviewed, provide evidence, give testimony, and intervene in proceedings[[174]](#footnote-174). Furthermore, unless provided otherwise in the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon), a child must be interviewed during the judicial offence proceeding before the court brings its final decision[[175]](#footnote-175). As explained under general rules above, it is not necessary for the child to be present in the proceeding as any action taken by his/her legal representative has full legal effect[[176]](#footnote-176). To ascertain the child’s views, in line with the [CPA](http://www.zakon.hr/z/134), a social worker is involved in order to interview the child in a child-friendly manner. The court may, if necessary, require the child’s presence at the hearing to hear the child’s statement in person. In this case, the competent Centre for Social Care has previously given the assessment that the child is mature enough for such an expression and is ready to give the statement before the court[[177]](#footnote-177).

The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) stipulates that a child can only participate in a proceeding in his/her own right provided he/she has procedural capacity. Procedural capacity is determined according to the [CPA](http://www.zakon.hr/z/134) and children have this capacity when turning 18 years of age – unless the court has granted them procedural capacity for other reasons at a younger age, for instance, due to marriage. With regard to a child as a **damaged party**, the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) stipulates a different age limit. That is, a child who has the status of a damaged party is considered to have procedural capacity as of the age of 16[[178]](#footnote-178). In this case, the child can express his/her views, propose and examine evidence, interview witnesses, plaintiffs and defendants, in his/her own right, at the age of 16[[179]](#footnote-179).

The child as a witness

Child witnesses can participate and be heard in judicial offence proceedings in their own right (see [Section 2.4](#_Toc346714785)).

The child as a subject of proceedings

Considering the nature of these proceedings, the issues of children as subjects of proceedings do not arise in the context of these proceedings in Croatia.

## Right to legal counsel, legal assistance and representation

### General procedural rules applicable to children involved in judicial proceedings including judicial proceedings reviewing administrative authorities’ decisions in the sector of asylum, migration, education, health, placement into care and children below MACR who committed an offence

The general rules described below apply to administrative proceedings in the sector of asylum, migration education and health and children below MACR who committed an offence. Such rules do not apply to proceedings in the sector of mental health as these proceedings are heard within civil judicial proceedings (see [Section 1](#_Overview_of_Member)). They also do not apply to proceedings in the sector of administrative sanctions . If sector specific rules apply, they will be described in separate subheadings below.

The child as a plaintiff/defendant/subject of proceedings

There are no specific provisions in the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) on the legal representation of children and therefore provisions of the [CPA](http://www.zakon.hr/z/134) and the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) apply. As children, in general, do not have procedural capacity, typically their parents or guardians act as their legal representatives on their behalf. The child’s legal representative is entitled to undertake all procedural actions on behalf of the child[[180]](#footnote-180).

Guardianship substituting parental responsibility is performed by a social worker from the Centre for Social Care, a guardian or special guardian[[181]](#footnote-181). If the parents or carers are incapable of properly raising the child showing disorderly behaviour, the court, without any delay, delivers a decision on placing the child into care and entrusting the child to a competent Centre for Social Care for the purposes of implementing this decision[[182]](#footnote-182). In a situation where the parent or guardian neglects his/her duty of care or upbringing of the child, or the court revokes in non-contentious procedure the right of the parent to live with the child, the upbringing of the child is entrusted to another legal person or institution performing social welfare activities[[183]](#footnote-183).

It is the Centre for Social Care that issues a decision to place a child under guardianship by appointing a guardian[[184]](#footnote-184) if: the parents have passed away; have disappeared; are unknown; the family has had an unknown residence for at least one month; the parents are deprived of their parental rights; parents are under the age of 18 years and have not acquired procedural capacity as prescribed by the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon); the parents are absent or unable to take care of their child but have not entrusted upbringing of the child to any other person.

Children can also be assigned a special guardian by the Centre for Social Care, among others, when: there is a conflict between the child and his/her parents, e.g. concerning property matters; conflict evolves between children who are under the parental care of the same person; to unaccompanied children with foreign citizenship[[185]](#footnote-185). The law does not specify whether or not such guardians of unaccompanied children are appointed free of charge. However, the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu) guarantees unaccompanied children access to free legal aid and other assistance – therefore it is also likely that guardians are appointed free of charge.

To comply with the [European Convention on Children’s Rights](http://conventions.coe.int/Treaty/en/Treaties/Html/160.htm), the court may appoint a special representative to the child in a case where the holder of parental responsibility is excluded from the representation of the child as a result of his/her conflict of interest with the child. Such a representative is usually a lawyer with a significant track record in proceedings involving children[[186]](#footnote-186). Special representatives may be appointed in certain judicial proceedings concerning family rights, such as custody over the children in divorce cases and adoptions, as well as cases that concern the protection of children’s personal rights and interests. In cases of conflicting interests between parents and children, the courts may also assign guardians ad litem to the children – according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). However, the court, at its discretion, may appoint a guardian ad litem whenever it deems it necessary to ensure the representation of a child, and if it is not possible, due to time constraints, to have a guardian appointed by the competent Centre for Social Care. The court immediately informs the Centre for Social Care and parties to the proceeding on the appointment of a guardian ad litem[[187]](#footnote-187). It is left for the court to decide whether or not to appoint a special representative or a guardian ad litem to represent the interests of the child in the proceeding.

The quality of legal representation is monitored by the court. If the court sees that the child’s legal representative does not exercise sufficient care in representation, it informs the guardianship authority, which in Croatia is the competent Centre for Social Care. If the failure, on the part of the representative to take appropriate steps in representing the child, may cause the child damage, the court proposes to appoint another legal representative, or appoints a temporary guardian – a guardian ad litem, on its own motion[[188]](#footnote-188).

Participation of a lawyer in a judicial administrative proceeding is not mandatory in Croatia. Individuals participating in a proceeding may invite a lawyer to represent his/her case before the court at his/her own cost. As children, in general, lack procedural capacity, lawyers are usually invited by their legal representatives. For this reason, there are no provisions on allowing the child to waive, or preventing the child from waiving, his/her right to legal assistance. Furthermore, as the lawyer’s client usually is the child’s legal representative, there is no specific guidance for a lawyer to ensure that a child is treated as a fully-fledged client whose opinions are taken into account.

In Croatia, legal aid to ensure a person’s access to legal assistance is available according to provisions of the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i)[[189]](#footnote-189). However, it relates only to those who are in socially and economically vulnerable positions whilst being involved in administrative proceedings before public authorities, or in civil and administrative court proceedings[[190]](#footnote-190). The law does not restrict access to aid and, in principle, is available to everyone.

The [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i) foresees the possibility to receive two types of legal aid, i.e. primary and secondary legal aid. Primary aid covers legal advice, drafting of applications and requests for submission to the public authorities, representation in the procedures before the public authorities and aid provided for out-of-court settlements. Secondary aid includes the same service – but in court proceedings. Children in judicial proceedings can benefit from both primary and secondary types of legal aid based on the facts that they are not capable of representing themselves and/or do not have sufficient means to ensure their representation[[191]](#footnote-191). To receive legal aid, an application must be made to the Office of Free Legal Aid. Since children, in general, do not have procedural capacity, requests for legal aid must be filed through their legal representatives.

The child as a witness

Child witnesses can participate in judicial administrative proceedings in their own rights and thus do not need to be represented. Similar to other individuals participating in court proceedings, witnesses may also invite lawyers to support them through their proceedings.

### Procedural rules applicable to children involved in health proceedings

The child as a plaintiff/defendant/witness

No specific provisions were identified on children as plaintiffs, defendants or witnesses in the context of health proceedings according to the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama).

The child as a subject of proceedings

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

### Procedural rules applicable to children involved in immigration and asylum proceedings

The child as a plaintiff/defendant/witness/subject of proceedings

The general rules described above also apply with regard to the right to legal counsel, legal assistance and representation of a child in an immigration and asylum proceeding. However, unaccompanied children have procedural capacity from the age of 16 and, therefore, can invite their own lawyers, give the lawyers instructions, as well as in their own right waive the rights to legal assistance, if preferred. Unaccompanied children are beneficiaries of legal aid according to the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu) – both of primary and secondary aid as described above and according to the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i). Children who are younger than 16 years of age are assigned special guardians by the Centre for Social Care according to the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu)[[192]](#footnote-192). As a result, children younger than 16 may not take any formal steps themselves and thus their guardians invite lawyers and apply for legal aid on their behalf according to the general rules described above.

### Procedural rules applicable to administrative sanctions relevant to children

The child as a plaintiff/defendant/witness/subject of proceedings

There are no specific provisions in the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) with regard to the right to legal counsel, legal assistance and the representation of a child in a judicial proceeding; therefore the general rules apply as described above. The only exception concerns a child in the role of a **damaged party** or **interested party** who is older than 16 years of age[[193]](#footnote-193). A child of this age may take formal steps in the court proceeding in his/her own right. Thus, the child can invite his/her own lawyer, give the lawyer instructions or waive the right to legal assistance if preferred.

Legal aid, as set out in the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i), is not available for children involved in judicial proceedings before the Offence Court[[194]](#footnote-194). No other relevant rules on legal aid to children in these proceedings have been identified.

## Restrictions on liberty

In Croatia, it is possible to restrict the freedom of movement of a child in the area of immigration and asylum and it is allowed to detain a child in mental health proceedings. Police detention, as well as imprisonment as punishments, are also authorised in the proceedings according to the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon).

### Procedural rules applicable to children involved in immigration and asylum proceedings

The child as a plaintiff/defendant/subject of proceedings

According to the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu) it is only possible to restrict the freedom of movement of a child seeking asylum, for example, to prevent the spread of infectious diseases, or if there are reasonable grounds to believe that his/her asylum application is fraud. It is also possible to restrict the child’s freedom to move for reasons of national security, or to prevent danger to others[[195]](#footnote-195). The Ministry of the Interior decides on this, and restriction may be imposed for a period up to a maximum of three months. In special circumstances, it is possible to prolong this restriction for another three months. A child seeking asylum, whose freedom to move is restricted, is likely to be placed in a shelter for asylum seekers. Against this decision, an appeal can be filed to the administrative court. A court must take its decision within 15 days of filing the appeal. An appeal does not postpone the execution of the decision[[196]](#footnote-196). A child can file an appeal in his/her own right as of the age of 16, or through his/her legal representative if the child is younger than this minimum age for procedural capacity.

The child as a witness/subject of proceedings

No rules concerning detention of child witnesses were identified.

### Procedural rules applicable to children involved in health proceedings

The child as a plaintiff/defendant/witness

No specific provisions were identified on children as plaintiffs, defendants or witnesses in the context of health proceedings according to the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama).

The child as a subject of proceedings

Detention of mental health patients and their treatment is regulated by the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama)[[197]](#footnote-197). This law applies equally to adults and children.

Placement of a child with a mental disorder in a hospital or a specialised institution is considered as a placement without consent, since children have no procedural capacity. Thus, such consent must be given on their behalf by their legal representatives (parents/guardians), or the competent Centres for Social Care[[198]](#footnote-198). A child can only be detained for mental health treatment without the consent of his/her legal representative upon the intervention of the police whenever the child imposes an imminent threat to his/her own life, or the lives/wellbeing of others. A psychiatrist who receives such a patient is obliged to start examination immediately, and as soon as possible and at the latest within 72 hours, he/she must issue his/her opinion on the necessity of placing the child in a hospital or specialised institution for psychiatric treatment[[199]](#footnote-199). As this decision concerns a short-term detention (up to 72 hours), there are no appeal rights against this decision.

Whilst there are no provisions on the use of detention – for the shortest possible time, as a measure of last resort by judicial authorities, all the maximum time limits are clearly prescribed by the law. If the psychiatrist decides that a child must receive psychiatric treatment in a closed facility, such a decision must be immediately notified – and at the latest within 12 hours, to the competent civil county court, the child’s legal representative and the competent social services[[200]](#footnote-200). The judge is obliged to visit the patient in question and interview him/her to decide within 72 hours, in a non-contentious proceeding, on the temporary detention of the child for up to eight days[[201]](#footnote-201). In addition, when deciding on the detention of a child, the court must request an independent opinion of another psychiatrist specialised in the mental health of children, who provides his/her opinion after examining the patient. To allow the court takes a well-informed decision, other public authorities like the social services are obliged to share all relevant information with the court[[202]](#footnote-202).

The court’s decision to approve detention may be appealed[[203]](#footnote-203). On its decision, the court informs the patient and also his/her legal representative, including the lawyer who is appointed for the protection of the patient’s rights. However such an appeal does not affect the execution of this decision[[204]](#footnote-204). The court brings in the same procedure as the decision on temporary detention[[205]](#footnote-205) a decision to further continue the detention. The court may decide to prolong detention up to three months with a further possibility to extend the detention period for a maximum period of six months[[206]](#footnote-206). The child may not appeal any decisions in his/her own right – it is done either by the legal representative or the lawyer appointed for this purpose.

### Procedural rules applicable to administrative sanctions relevant to children

The child as a plaintiff/defendant

In an offence proceeding, a child can be detained under the conditions and rules as prescribed in [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). The law does not explicitly refer to detention as as a measure of last resort and for the shortest possible time, but sets the maximum time-limits for detention.

Detention may be imposed on a person under the age of 18 only if he/she has turned 14. According to the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon), detention of a child is possible based on the same grounds as prescribed for adults, namely:

* + if he/she has committed an offence against public peace and order, domestic violence, or an offence punishable with imprisonment or fine of over HRK 10,000 – around EUR 1,500;
	+ when it is likely that the same offence may be repeated, or the offender might run away or compromise evidence or influence witnesses[[207]](#footnote-207).

A child can be detained up to 24 hours from the moment the court has authorised the detention. Detention of a child can be prolonged only if the court decides to imprison the child. The child can file an appeal through his/her legal representative but this appeal will not delay the execution of the detention. The Offence Court proceeds in a fast-track procedure to end the detention when there are no grounds to keep the person detained[[208]](#footnote-208).

In cases of intoxication with alcohol or drugs, the police can apply special detention measures. The police can decide on this measure under the following circumstances when:

* + encountering an intoxicated child committing offences;
	+ a child may continue with committing an offence;
	+ a child may cause damage;
	+ a child may put him/herself and others in danger.

This special measure enables the police to place a child in a special room at the police station and detain him/her there until the intoxication stops, with a maximum detention of 12 hours[[209]](#footnote-209).

 The child as a witness

No rules concerning detention apply to child witnesses.

The child as a subject of proceedings

Considering the nature of these proceedings, the issues of children as subjects of proceedings do not arise in the context of these proceedings in Croatia.

## Remedies or compensation for violation of rights and failure to act

### General procedural rules applicable to children involved in judicial proceedings including judicial proceedings reviewing administrative authorities’ decisions in the sector of asylum, migration, education, health, placement into care and children below MACR who committed offences

The general rules described below apply to administrative proceedings in the sector of asylum, migration education and health and children below MACR who committed an offence. They also apply to certain proceedings in the sector of placement into care (see [Section 1](#_Overview_of_Member)). Such rules do not apply to proceedings in the sector of mental health and some proceedings in the sector of placement into care as these proceedings are heard within civil judicial proceedings (see [Section 1](#_Overview_of_Member)). They also do not apply to proceedings in the sector of administrative sanctions . If sector specific rules apply, they will be described in separate subheadings below.

The child as a plaintiff/defendant/subject of proceedings

The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) prescribes that a party to an administrative judicial proceeding, including a child, can file an appeal against the decision of the administrative court to the High Administrative Court. The reasons for filing an appeal include mistakes in a court’s procedure, wrongful or undetermined facts or wrongful application of the law[[210]](#footnote-210). In general, an appeal of the administrative court’s decision does not delay the execution of the decision unless the High Administrative Court decides otherwise[[211]](#footnote-211). Furthermore, the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) allows parties to an administrative judicial proceeding to file a request to the State Attorney, to question the legality of the administrative court’s or the High Administrative Court’s decision. This remedy can also be used by the State Attorney *ex officio*. The Supreme Court of Croatia decides on this request, in camera with five judges, and can, upon its decision, either abolish the decision in question and return the case to the court for re-opening the procedure, or change the decision itself[[212]](#footnote-212).

There are no provisions enabling a child to appeal against a court’s decision and thus there are also no specific provisions ensuring support specifically to children in accessing remedy mechanisms. Commonly, basic information on the available legal remedies must be provided by the court in its decision[[213]](#footnote-213). On behalf of the children, as they lack procedural capacity, remedies for violation of their rights can be accessed by their legal representatives. There are no provisions specifying whether or not the child’s consent is necessary for his/her legal representative to make submissions on their behalf. If the administrative court determines that there is a conflict between the interests of the child and his/her parents, a special guardian, guardian ad litem or special representative is appointed according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), see [Section 2.6](#_Right_to_legal).

With regard to the possibility of a child care authority to appeal against a court decision involving a child, in Croatia, such a possibility exists for the Centre for Social Care if they are a party to the proceeding[[214]](#footnote-214). Usually, this would be the case when the Centres for Social Care decide for the placement of children into care according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). In these cases, according to the general rules on filing appeals as described above, the Centres for Social Care can also appeal certain decisions concerning children.

The [[LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima)](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) stipulates that any compensation claim for damages caused by the violation of rights must be made as part of the official application filed before the administrative court[[215]](#footnote-215). The court then decides, within the same procedure, on the compensation claim for damages. The court grants compensation whenever it determines that the disputed administrative decision was illegal or wrongful. The administrative court can dismiss a claim for compensation only if it finds that the person requesting compensation is responsible for causing or attributed to causing the damage in question[[216]](#footnote-216). However, there is no legal obligation on judicial authorities to secure the rights of children involved in judicial proceedings to claim compensation for damages caused by violation of rights.

The child as a witness

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

### Procedural rules applicable to children involved in immigration and asylum proceedings

The child as a plaintiff/defendant/subject of proceedings

As explained in [Section 2.1](#_The_child_as), in an immigration and asylum proceeding, a child can act in his/her own right from age of 16. This means that a child seeking asylum can also file an appeal against the decision of the administrative court in his/her own right – according to the general rules of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). If the child is younger than 16, such an appeal is filed through his/her legal representative, i.e. a guardian that is assigned to the child by the Centre for Social Care.

The child as a witness

Child witnesses do not have the rights to appeal against court decisions.

### Procedural rules applicable to children involved in proceedings for placement into care

The child as a plaintiff/defendant/subject of proceedings

The general [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) rules on the rights of appeal, as explained above, apply also to challenges against an administrative decision issued by the Centre for Social Care, e.g. for the placement of a child into care. In cases when the placement of a child into care is decided by a court under a civil proceeding, the rules to appeal the court’s decision are prescribed by the [Civil Procedure Act](http://www.zakon.hr/z/134/), and the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) – as discussed in the Study to collect data on children’s involvement in civil judicial proceedings, see Section 3.9. As explained there, the court’s decision can be appealed on the grounds of substantial violation of civil procedure rules, wrongful or incomplete establishment of the facts and wrongful application of the relevant law. The same as in other judicial proceedings, children may not pursue proceedings in their own rights. Any appeal or submission is made by the child’s legal representative. This also concerns filing a claim on compensation for damages. According to the [Civil Obligation Act](http://www.zakon.hr/z/75/Zakon-o-obveznim-odnosima), such a claim is made by the child’s legal representative.

The child as a witness

Child witnesses have neither the rights to appeal nor the rights to claim compensation.

### Procedural rules applicable to children involved in health proceedings

The child as a plaintiff/defendant/witness

No specific provisions were identified on children as plaintiffs, defendants or witnesses in the context of health proceedings according to the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama).

The child as a subject of proceedings

An involuntary placement of a child who suffers from a mental disorder in a hospital or special institution for mental health is decided in a civil proceeding by the civil county court. The decision is taken by a single judge in extra-contentious procedure as a matter of urgency[[217]](#footnote-217). At the same time, the judge *ex officio* initiates a procedure for appointing a lawyer to the patient to protect the patient’s rights. As the first decision concerns a detention for 72 hours, there is no appeal right against this decision. If the judge takes the decision to continue detention, which is possible up to eight days, the decision can be further appealed but it does not affect the execution of this decision[[218]](#footnote-218). On its decision, the court informs the patient and also his/her legal representative, including the lawyer who is appointed for the protection of the patient’s rights. In the decision, the court must elaborate the reasons for keeping the child in detention, as well as on the legal remedies available[[219]](#footnote-219). The child may not appeal any of these decisions in his/her own right. It is done either by the legal representative or by the lawyer appointed for this purpose.

In a case of violation of rights, the right to claim compensation is set out in the [Civil Obligation Act](http://www.zakon.hr/z/75/Zakon-o-obveznim-odnosima). As described in the Study to collect data on children’s involvement in civil judicial proceedings, Section 3.9, the child may not claim compensation in his/her own right. On behalf of the child, it is done by his/her legal representative. If the child has suffered abuse whilst being in the hospital or institution, or his/her rights have been violated whilst being examined or receiving medical treatment, a claim can be launched for malpractice or another criminal offence as prescribed by the [Criminal Code](http://www.zakon.hr/z/98). As with a claim in a civil proceeding, on behalf of the child, such a proceeding is initiated by his/her legal representative.

### Procedural rules applicable to administrative sanctions relevant to children

The child as a plaintiff/defendant

The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) prescribes:

* + Ordinary legal remedies: an appeal against the decision of the first instance Offence Court – this appeal can be filed to the High Court on Offences; an appeal against any decision of the Offence Court brought before, during or after the judicial proceedings.
	+ Extra-ordinary legal remedies: re-opening of the judicial procedure on offences, or a new procedure; request on sentencing with less stringent punishment; request on protection of legality under the rules as prescribed by the [Criminal Procedure Act[[220]](#footnote-220).](http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku)

According to the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) an appeal is allowed against the decision of the first instance Offence Court within eight days from the announcement of the decision to the parties of the proceeding. If an appeal is submitted within the deadline, it postpones the execution of the decision[[221]](#footnote-221). A child can file an appeal only through his/her legal representative or a lawyer invited by him/her. The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) stipulates that an appeal on behalf of a plaintiff or defendant, when submitted by a person as listed above, can be filed without his/her explicit consent but not against his/her will[[222]](#footnote-222).There are no specific statutory or policy provisions to provide support specifically to children in accessing remedy mechanisms. All rules on the appeal rights that apply to plaintiffs and defendants also apply to children in the roles of **damaged parties**.

If the Offence Court determines that there is a conflict between the child and his/her legal representative (parents/guardians), or that a child is in need of special care and protection, it immediately notifies the competent Centre for Social Care. Following that, a special guardian, guardian ad litem or special representative may be appointed to represent the child according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) – see also [Section 2.6](#_Right_to_legal).

There are no special rules on the statute of limitations for children involved in offence judicial proceedings. There are also no special rules that permit children to pursue certain claims in these proceedings for a period of time after the children have reached the age of majority, i.e. turned 18 years of age. However, the [Criminal Code](http://www.zakon.hr/z/98) establishes that for certain criminal offences[[223]](#footnote-223) committed against a child, the prescribed period of the statute of limitations regarding criminal prosecution starts running when the child victim has reached the age of 18 years old. Therefore, **child victims** are entitled to initiate prosecution against their offenders later in life, when they have full procedural capacity to appear before the courts.

With regard to the right of compensation, the general rules apply as elaborated above. In addition, a child against whom the special preventive measure has been implemented wrongfully or illegally by the police, as described in more details in the [Section 2.7](#_Restrictions_on_liberty), is also entitled to compensation[[224]](#footnote-224). Moreover, it should be noted that **child victims** are allowed to pursue claims for compensation after they have turned the age of 18[[225]](#footnote-225).

The child as a witness

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

The child as a subject of proceedings

Considering the nature of these proceedings, the issue of a child as a subject of a proceeding does not arise in this context in Croatia.

## Legal costs

### General procedural rules applicable to children involved in judicial proceedings including judicial proceedings reviewing administrative authorities’ decisions in the sector of asylum, migration, education, health, placement into care and children below MACR who committed offences

The general rules described below apply to administrative proceedings in the sector of asylum, migration education and health and children below MACR who committed an offence. They also apply to certain proceedings in the sector of placement into care (see [Section 1](#_Overview_of_Member)). Such rules do not apply to specific proceedings in the sector of placement into care as these proceedings are heard within civil judicial proceedings (see [Section 1](#_Overview_of_Member)). They also do not apply to proceedings in the sector of administrative sanctions . If sector specific rules apply, they will be described in separate subheadings below.

The child as a plaintiff/defendant

Court costs in Croatia include court fees and procedure costs. The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) only stipulates that in administrative judicial proceedings each party bears their own costs[[226]](#footnote-226). In the absence of any specific rules in the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima), payment of legal costs is regulated by the [CPA](http://www.zakon.hr/z/134) and the [Law on Court Taxes](http://www.zakon.hr/z/224/Zakon-o-sudskim-pristojbama)[[227]](#footnote-227). Both laws relate equally to adults and children. However, the [Law on Court Taxes](http://www.zakon.hr/z/224/Zakon-o-sudskim-pristojbama) foresees that, in certain types of cases, children are automatically exempted from the obligation to pay court fees and costs of proceedings. Such exemptions, by way of illustration, include cases when children are challenging decisions violating their constitutional human rights and freedoms, and matters related to their health and the rights of the child to maintenance[[228]](#footnote-228).

In cases where automatic exemptions do not apply, there is still a possibility to apply for legal aid according to the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i)[[229]](#footnote-229). It relates to all those who are in socially and economically vulnerable position whilst being involved in administrative proceedings before public administrative authorities or in civil and administrative court proceedings[[230]](#footnote-230). This aid is not limited to the parties to proceedings and, in principle, is available to everyone. This act does not contain any child-specific rules, which implies that the same provisions apply equally to children and adults. Furthermore, in exceptional cases the court itself may exempt a person from the obligation to pay court fees and costs of the proceeding due to exceptional circumstances as explained below.

In principle, the parties bear their own costs in administrative judicial proceedings. They do that in advance, e.g., cover their lawyer’s fees or any travel costs to attend the hearings[[231]](#footnote-231), and the courts at the end of the proceedings decide what court fees and procedural costs should be paid[[232]](#footnote-232). In special circumstances the court may exempt a party, if the party applies for such an exemption, from part or all court fees and costs by awarding legal aid according to the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i)[[233]](#footnote-233). Special circumstances are, for example, insufficient means to cover the court fees and procedural costs. On behalf of children, since they lack procedural capacity, the applications for exemption from court fees and costs is filed by their legal representatives. In cases of insufficient financial means, it is also up to the legal representatives of the child to demonstrate that they cannot afford to pay fully, or in part, the court fees and costs[[234]](#footnote-234). The court then decides on the extent of the fees and costs to be paid based on the applicant’s financial situation in accordance to the rules as set by the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i)[[235]](#footnote-235).

Under Croatian law, only those who are in socially and economically vulnerable positions can benefit from free legal aid according to the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i). Therefore, together with the request for legal aid, which must be made to the Office of Free Legal Aid, persons applying for such aid must also submit certificates proving that they need the aid due to their social or economic situation. On behalf of children, since they lack procedural capacity, these applications are filed by their legal representatives. It is also up to them to submit the certificates clarifying the reasons why they need legal aid. Exceptionally, the court may also approve legal aid to a party to a proceeding for reasons of fairness upon a request of that party – regardless of the fact that he/she does not fulfil all criteria as prescribed by the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i).

In general, there are four forms of legal aid foreseen by the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i):

* + primary legal aid – legal advice, drafting of applications and requests to be submitted to public authorities, representation in the procedures in front of public authorities and legal aid provided in peaceful out-of-court settlements;
	+ secondary legal aid – legal advice, drafting of applications and requests to be submitted to the courts, representation in judicial proceedings and legal aid provided in peaceful court settlements;
	+ exemptions from payment of court fees;
	+ exemptions from payment of proceeding costs.

The approval of secondary legal aid always includes an exemption from the obligation to pay court fees and the costs of the proceeding. The approval of exemption from payment of the costs of the proceeding always includes an exemption from the obligation to pay the court fees. Children in judicial proceedings can benefit from both primary and secondary types of legal aid - based on the fact that they are not capable of representing themselves and/or do not have the sufficient means to ensure their representations[[236]](#footnote-236).

The child as a witness/subject of proceedings

Child witnesses and subjects of proceedings are not required to pay legal costs under Croatian legislation.

### Procedural rules applicable to children involved in immigration and asylum proceedings

The child as a plaintiff/defendant

The [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu) stipulates free legal aid to a child requesting asylum both in an appeal procedure before an administrative authority, and in an administrative judicial proceeding[[237]](#footnote-237). This legal aid includes exemption from the obligation to pay court fees and the costs of a proceeding[[238]](#footnote-238).

The child as a witness

Child witnesses and subjects of proceedings are not required to pay legal costs under Croatian legislation.

### Procedural rules applicable to children involved in proceedings for placement into care

The child as a plaintiff/defendant

In an administrative judicial proceeding, challenging a decision of the Centre for Social Care for the placement of a child into care, court fees and the costs of the proceeding are determined according to the general rules as elaborated above. In civil judicial proceedings, where the courts decide on the protection of children and their placement into care, court fees and costs of proceedings are determined according to the [CPA](http://www.zakon.hr/z/134/), the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) and the Free Legal Aid Act, which in principle, is the same as in administrative judicial proceedings. For more details see the Study to collect data on children’s involvement in civil judicial proceedings, Section 3.10.

The child as a witness

Child witnesses and subjects of proceedings are not required to pay legal costs under Croatian legislation.

### Procedural rules applicable to administrative sanctions relevant to children

The child as a plaintiff

Children plaintiffs who are victims of offences are entitled to reimbursement of all costs endured during judicial proceedings. On behalf of children, since they lack procedural capacity, the application for reimbursement of costs is filed by their legal representatives. It is up to the legal representatives to provide evidence on the costs endured[[239]](#footnote-239).

The child as a defendant

The costs for participating in proceedings before the Offence Court include court fees and procedure costs. The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) only stipulates that in these court proceedings each party bears their own costs[[240]](#footnote-240). In the absence of any specific rules in the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon), payment of legal costs is regulated by the [CPA](http://www.zakon.hr/z/134/) and the [Law on Court Taxes](http://www.zakon.hr/z/224/Zakon-o-sudskim-pristojbama) – as explained above with regard to the general administrative proceedings. Similarly to other judicial proceedings, the parties to offence proceedings, including children, cover their costs in advance, e.g. lawyer’s fees or any travel costs to attend the hearings[[241]](#footnote-241). The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) specifies that the court fees and other costs are determined either in advance as a lump sum taking into consideration the specific circumstances of the case and the financial situation of the defendant, or at the end of the proceeding by a separate decision[[242]](#footnote-242).

In general, the child defendant, when found guilty and sentenced, must usually bear all the costs of the proceeding. If the child does not have his/her own income, the costs are covered by his/her parents or guardian. If the child has his/her own financial means or property, the child him/herself will cover the costs[[243]](#footnote-243). However, the Offence Court may always exempt the defendant from the obligation to pay legal costs in total, or in part, if this payment can potentially endanger his/her right to maintenance[[244]](#footnote-244).

The child as a witness

Child witnesses are not obliged to pay legal costs under Croatian legislation.

The child as a subject of proceedings

Considering the nature of these proceedings, the issue of a child as a subject of a proceeding does not arise in this context in Croatia.

## Enforcement of administrative court judgements

### General procedural rules applicable to children involved in judicial proceedings including judicial proceedings reviewing administrative authorities’ decisions in the sector of asylum, migration, education, health, placement into care and children below MACR who committed offences

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

The child as a plaintiff/defendant

There are no child-specific provisions in the law on enforcement of judgements in administrative judicial proceedings. There are no requirements to inform the child about the decision of the administrative court. Consequently, there are no guidance or codes of conduct that are available to lawyers, guardians ad litem or other professionals to ensure that this information is communicated in a child-friendly manner. In the absence of child-specific provisions, the general rules set out in the [Civil Procedure Act](http://www.zakon.hr/z/134) and the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) apply. Namely, children who lack procedural capacity are informed of the decisions of the administrative courts and enforcements of the decisions through their legal representatives (parents/guardians). The manner of communicating with children is not specified in legislation. Thus, it depends on the individual legal representative how he/she presents the information to the child.

There are no provisions in the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) on the protection of children from harm during enforcements, or from individuals involved in the proceedings or related to the cases. However, certain protective measures are foreseen by the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), which would apply, in this case, as *lex specialis.* These measures are put in place by the municipal courts after conducting non-contentious proceedings. The motion for putting in place protective measures, i.e. restraining orders, can be filed to the courts by social service workers, parents/legal representatives or the child him/herself[[245]](#footnote-245).

Under Croatian law, not all decisions that concern children are directly and immediately enforceable. Immediate enforcement is required in a case where the enforcement concerns putting temporary measures in place, e.g. temporary maintenance for children. In other cases, the judgements of courts are not immediately enforceable. In practice, the enforcement tends to be rather lengthy. This is particularly the case when the court’s judgement concerns the exercise of parental right over a child. In the enforcement phases of these cases, the courts must consult social welfare authorities, which may be a time-consuming process due to the considerable amount of cases that the social welfare services must deal with[[246]](#footnote-246).

The child as a witness/subject of proceedings

Witnesses and subjects of proceedings are not involved in the enforcement phase of administrative judicial proceedings.

### Procedural rules applicable to administrative sanctions relevant to children

The child as a plaintiff/defendant

There are no child-specific provisions in the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) on the enforcement of judgements in the proceedings before the Offence Court. As a result, there are no requirements to inform the child about the decision of the Offence Court and no guidance or codes of conduct that are available to a lawyer, a guardian ad litem, or another professional, to ensure that this information is communicated in a child-friendly manner.

In the absence of child-specific provisions, the general rules as set out in the [CPA](http://www.zakon.hr/z/134) and the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) apply. Namely, children who lack procedural capacity are informed of the decisions of the Offence Court, and the enforcements of those decisions through their legal representatives (parents/guardians). The manner of communicating with children is not specified in the legislation. Thus, it depends on the individual legal representative how he/she presents the information to the child.

There are no provisions in the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) on the protection of children from harm, during enforcement or from any individual involved in the proceeding or related to the case. However, certain protective measures, which would apply in this case, are foreseen by the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), as *lex specialis.* These rules are elaborated above under general administrative judicial proceedings.

Under the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon), not all decisions that concern children are directly and immediately enforceable. It depends mostly on the type of sanction imposed. In general, the court can impose a child educational measure, protection measure, such as detention in police premises due to intoxication by drugs or alcohol, and sanctions, such as a fine or juvenile prison. The sanctions applicable depend on the child’s age. Namely, as explained in [Section 1](#_Overview_of_Member), the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) distinguishes between two categories of children: 1) children between 14 and 16 years of age – referred to as “younger minors”, and children between 16 and 18 years of age – referred to as “older minors”[[247]](#footnote-247). To a ‘younger minor’ only educational measures can be imposed, such as a reprimand, special obligations, and referring a child to a special centre for education. In addition to these measures, an “older minor” can be punished with protection measures and sanctions, such as a fine and/or juvenile prison[[248]](#footnote-248). To conclude, protection measures or sanctions, such as fines or juvenile prison[[249]](#footnote-249) are enforced immediately. Education measures, for instance, referring a child to a special centre for education, are enforced in a longer period of time.

As far as imprisonment is concerned, children aged between 16 and 18 years old can be sent to juvenile prison if they have committed serious offences for which the punishment is prison. In taking the decision to impose this measure, the Offence Court evaluates, among others, the nature and gravity of the offence, the level of guilt, motives for committing the offence, the offender’s prior behaviour or criminal record, and all other personal or social circumstances relevant to the offender committing the crime[[250]](#footnote-250), in order to determine whether or not this punishment is absolutely necessary[[251]](#footnote-251). For example, imprisonment as a punishment can be imposed for family violence[[252]](#footnote-252). The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) does not provide an exhaustive list of the offences punishable by prison and it is done on a case-by-case basis. Before deciding on the imprisonment of a child, the court may seek an expert opinion from the competent Centre for Social Care. Juvenile imprisonment cannot be shorter than three days and no longer than 10 days[[253]](#footnote-253).

The conditions and the manner of executing juvenile prison are regulated by the [Law on the Execution of Sanctions Imposed on Juveniles Convicted of Crimes and Offences](http://www.zakon.hr/z/235/Zakon-o-izvr%C5%A1avanju-sankcija-izre%C4%8Denih-maloljetnicima-za-kaznena-djela-i-prekr%C5%A1aje)[[254]](#footnote-254) as well as the provisions in the [Youth Courts Act](http://www.zakon.hr/z/180/Zakon-o-sudovima-za-mlade%C5%BE)[[255]](#footnote-255) and the [Law on the Execution of Prison Sentences](http://www.zakon.hr/z/179/Zakon-o-izvr%C5%A1avanju-kazne-zatvora)[[256]](#footnote-256).

In general, imprisonment of a child over the age of 14 takes place in a specialised juvenile prison or, exceptionally, in a children’s department within an adult prison. A child prisoner can only be accommodated with another child. In exceptional cases, the child may be accommodated with younger adults aged between 18 and 21, but no more than three prisoners may ever share the same cell. The facility must also provide the possibility for the child to go outside every day for at least three hours.

The use of special safety and security measures is also restricted with respect to child prisoners. Isolation in a prison cell is forbidden, but a special measure of separating one prisoner from others is allowed for a maximum duration of seven days. With this measure, a prisoner is placed in a special room (which is not a prison cell) for the purpose of providing special treatment and professional help, once it has been identified that this prisoner poses a danger to himself or other prisoners. Any forms of punishment, e.g. solitary confinement, torture or abuse, are strictly forbidden – including the use of force or arms unless it is necessary to prevent or stop a direct life-threatening attack by a child against another person[[257]](#footnote-257).

The child as a witness

Witnesses are not involved in the enforcement phases of administrative judicial proceedings.

The child as a subject of proceedings

Considering the nature of these proceedings, the issue of the child as a subject of a proceeding does not arise in this context in Croatia.

Conclusions

Overview of Member State’s approach to children in administrative judicial proceedings and specialised services dealing with such children

Legal framework and institutions

Administrative procedure in Croatia is primarily regulated by the [Law on Administrative Disputes](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) (LAD). The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) provides procedural rules under which the administrative courts issue decisions on the lawfulness of decisions issued by the public administrative authorities. The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) does not contain any child-specific rules and thus the same rules apply to children and adults alike.

Administrative decisions in Croatia are reviewed exclusively by specialised administrative courts. There are four regional administrative courts of first instance and the [High Administrative Court](http://www.upravnisudrh.hr/index.php) as the instance of appeals. In addition, complaints against individual decisions of public administrative authorities are reviewed by the [Constitutional Court](http://www.usud.hr/) if such decisions violate human rights and fundamental freedoms guaranteed by the Croatian [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske).

The field of **asylum** **and migration**, in general, is regulated by the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu) and the [Law on Foreigners](http://www.zakon.hr/z/142/Zakon-o-strancima). Decisions in this field are reviewed by administrative courts in administrative judicial proceedings according to the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima).

Decisions in the **field of education** are issued according to the [Act on Preschool Raising and Education](http://www.zakon.hr/z/492/Zakon-o-pred%C5%A1kolskom-odgoju-i-obrazovanju) and the Act on Elementary and High School Raising and Education. Judicial review of decisions adopted in this field is dealt with by an administrative court under an administrative judicial proceeding according to the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima).

Decisions in the **field of health** are issued according to the [Health Protection Act](http://www.zakon.hr/z/190/Zakon-o-zdravstvenoj-za%C5%A1titi), which is the framework law governing this area. Where appeals are allowed, such decisions are reviewed in administrative judicial proceedings by administrative courts as set by the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). Treatment of **mental health** patients and the procedure of their detention is set out in the [Act on Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama), applicable both to adults and children. In all such cases, the necessity of placement or detention of a child in a mental care institution is decided by a civil court under a civil judicial proceeding.

Decisions concerning the **children in need of care and protection** are issued according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). Decisions concerning placement of children into care are decided by administrative decisions of the social services, i.e. the Centres for Social Care in Croatia. These decisions are reviewed by an administrative court under an administrative judicial proceeding according to the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). However, also the civil courts have certain competence to impose measures for the protection of a child, such as placing a child into care.

Childrenwho have committed offences not having reached **the minimum age of criminal responsibility (MACR)**, cannot be held liable for offences. However, the Police inform the child’s parents or guardian and the social services, i.e. the competent Centre for Social Care. The social services proceed according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) or the [Social Welfare Act](http://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi) and investigate the child’s personal and family circumstances.

Croatia does not have a system of **administrative sanctions**. Cases of anti-social behaviour and road traffic offences, among others, are regulated by special rules as prescribed by the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) and are heard by the [Offence Court](http://sudovi.pravosudje.hr/).

There are no special courts or institutions in Croatia dealing with children in administrative judicial proceedings. Protecting the best interests of the child is one of the guiding principles of all Croatian legislation and policy and, as such, must be observed in all court and administrative procedures concerning children.Under Croatian law there is no statutory age limit for expressing views. If a child is considered to be mature enough, he/she will be heard by a competent professional and the court.

The [Croatian Ombudsman for Children](http://www.dijete.hr) was established by [the Law on Ombudsman for Children](http://www.zakon.hr/z/264/Zakon-o-pravobranitelju-za-djecu) with the objective of protecting and monitoring the rights and interests of children related to all types of administrative procedures and judicial proceedings.

Croatian legislation regulates the procedural links between civil and criminal, and civil and administrative proceedings in a way that allows these procedures to run in parallel, or to follow each other. The correlation between offences dealt with before the Offence Court and damages claim before civil courts is the same as the relation between civil and criminal proceedings. There is no obvious correlation between proceedings before the Offence Court and administrative judicial proceedings, even though certain actions from administrative proceedings may spill over to the offences proceedings (mostly in the form of failure for performing certain administrative actions setting up grounds for offence responsibility) However, where cases involve interactions between criminal, civil and/or administrative judicial proceedings, there are no formalised cooperation procedures to facilitate interaction between relevant organisations, such as the social services, Police officers, child psychologists, legal assistants, and lawyers. In Croatia, inter-institutional cooperation is regulated through rules set in protocols of cooperation governing this issue, such as: [Protocol of Procedure in the event of violence among children and youth](file:///C%3A%5CUsers%5Cgk%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CUsers%5Cai%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CAppData%5CRoaming%5CAppData%5CRoaming%5CDownloads%5CProtokol%2Bo%2Bpostupanju%2Bu%2Bslucaju%2Bnasilja%2Bmedju%2Bdjecom%2Bi%2Bmladima.pdf); Protocol of Procedure in Cases of Domestic Violence; Protocol of Procedure in Cases of Sexual Violence; Protocol for unaccompanied children and Protocol for identification, help and protection of the trafficking victims. Furthermore, at the moment a new Protocol for abused and neglected children is in the adoption procedure.

The child as an actor in administrative judicial proceedings

There are no specific statutory or policy provisions regulating a child’s access to a court to appeal a decision of a public administrative authority. Therefore, the general rules provided by the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) apply equally to adults and children. Where the [LAD](http://zakon.hr/z/101/Zakon-o-upravnim-sporovima) does not provide relevant rules in relation to children, the [CPA](http://www.zakon.hr/z/134) and the [Family Ac](http://www.zakon.hr/z/88/Obiteljski-zakon)t apply. This is also the case with regard to the procedural capacity of children. According to Croatian legislation a child is a person who is under the age 18. Therefore, until the age of 18 children do not have procedural capacity and must be represented in all legal affairs and procedures by their legal representatives.

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

Provision of information

In general, it is the court’s obligation to make sure that any party to the proceeding is well informed on his/her rights.The [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), on the other hand, guarantees the child the right to learn in an appropriate way, the important circumstances of the case, receive advice and express his/her opinion, and be informed about the fact that his/her views should be respected when it is decided on any of his/her rights and interests. The child’s opinion must be taken into account in accordance with his/her age and maturity.

Protection of the child’s personal and family life

With respect to protection of personal data during judicial administrative proceedings, Croatian legislation does not contain any child-specific rules. Therefore, the same rules apply to both adults and children. Thus, there are also no exceptions to the rule of protecting the child’s identity, privacy or personal data.

The privacy of children is protected by provisions of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). Namely, in order to protect the child’s privacy, personal data, or any other circumstances that the court finds necessary, the court has the right to hold a court hearing involving a child behind closed doors.

With respect to the child’s right to privacy and the media the applicable provisions state that the media are obliged to respect the privacy and dignity of all citizens and especially of the children.

Protection from harm during proceedings and interviews and ensuring a child-friendly process

The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) does not contain any statutory or policy provisions to ensure that relevant decisions and the commencement of proceedings take place without undue delays. The law only sets general principles and requires the courts to act with promptness and efficiency. For this reason, there are no mechanisms to monitor the implementation of the urgency principle.

In general, there are no requirements set by the law for public authorities and the courts to ensure that premises and places where children are involved in proceedings are non-intimidating and child-friendly. However, according to the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon), the child has the right to express his/her opinion and be informed about the fact that his/her views should be respected when it is decided on any of his/her rights and interests. The opinion of the child is taken into consideration in accordance with his/her age and maturity.

Right to be heard and participate in administrative judicial proceedings

The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) provides that any party involved in the administrative judicial proceeding, including a child, has the right to be heard, i.e. can be interviewed, provide evidence, give testimony, and intervene in the proceeding. The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) stipulates that parties to proceedings can only exercise their rights in administrative judicial proceedings if they have procedural capacity. Since children, in general, lack procedural capacity, they may not take any formal steps in judicial proceedings and must be represented by their legal representatives (parents/guardians) or other persons authorised by them. Only child witnesses may exercise their rights to be heard themselves.

There are no statutory or policy provisions to ensure that children are consulted in the manner in which they wish to be heard.

Right to legal counsel, legal assistance and representation

There are no specific provisions in the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) on the legal representation of children and therefore provisions of the [CPA](http://www.zakon.hr/z/134) and the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) apply. As children, in general, do not have procedural capacity, typically their parents or guardians act as their legal representatives on their behalf. Children can also be assigned a special guardian by the Centre for Social Care, among others, when there is a conflict between the child and his/her parentsThe law does not specify whether or not such guardians of unaccompanied children are appointed free of charge, but as a rule, appointed special guardians fall at the expense of the state budget.. However, the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu) guarantees unaccompanied children access to free legal aid and other assistance – therefore those guardians are appointed free of charge.

Restrictions on liberty

In Croatia, it is possible to restrict the freedom of movement of a child in the area of immigration and asylum and it is allowed to detain a child in mental health proceedings. Police detentions, as well as imprisonment as punishments, are also authorised in the proceedings according to the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon).

Remedies and compensation for violation of rights and failure to act

The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) prescribes that a party to an administrative judicial proceeding, including a child, can file an appeal against the decision of the administrative court to the High Administrative Court.

There are no provisions enabling a child to appeal against a court’s decision and thus there are also no specific provisions ensuring support specifically to children in accessing remedy mechanisms.

The [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) prescribes ordinary and extra-ordinary legal remedies.

Legal costs

Court costs in Croatia include court fees and procedure costs. The [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) only stipulates that in administrative judicial proceedings each party bears their own costs. In the absence of any specific rules in the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima), payment of legal costs is regulated by the [CPA](http://www.zakon.hr/z/134) and the [Law on Court Taxes](http://www.zakon.hr/z/224/Zakon-o-sudskim-pristojbama).

Free legal aid is also possible according to certain criteria.

Enforcement of administrative court judgements

There are no child-specific provisions in the law on enforcement of judgements in administrative judicial proceedings. There are also no requirements to inform the child about the decision of the administrative court. Consequently, there are no guidance or codes of conduct that are available to lawyers, guardians ad litem or other professionals to ensure that this information is communicated in a child-friendly manner. In the absence of child-specific provisions, the general rules set out in the [CPA](http://www.zakon.hr/z/134) and the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) apply..

There are no provisions in the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) on the protection of children from harm during enforcements, or from individuals involved in the proceedings or related to the cases. However, certain protective measures are foreseen by the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon)*.*

Strengths and gaps

In general, it can be concluded that Croatia has a well-developed institutional and legal framework of child-friendly administrative justice in place. There are numerous laws regulating different aspects of this issue, and although [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima) provides general provisions, applicable to both adults and children, the special rules as set in the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) are applicable on numerous situations involving children in judicial proceedings. As far as the institutional framework is concerned, there are numerous institutions at governmental level, such as the Ministry of Social Policy and Youth, the Ministry of Interior, the Ministry of health and the Ministry of Justice, as well as a number of specialised bodies, such as the Children’s Ombudsman, Centres for Social Care, and the State Attorney that operates to protect children during administrative judicial proceedings.

Despite the above strengths, the following shortcomings have been identified:

* there are no explicit *expressis verbis* provisions in place to ensure respect for the child’s evolving capacity in the context of an administrative judicial proceeding;
* there are no special measures in place to provide special protection and assistance to different categories of children, such as the very young, migrant children, street children;
* there are no legal requirements/policies in place to ensure that the premises and places where children are involved in administrative proceedings are non-intimidating and child-friendly;
* there is no basic training either after qualification, or-on-the-job, required for actors who are in contact with children – such as lawyers, judges, prosecutors, social workers, psychologists, paediatricians, psychiatrists, during any judicial proceedings;
* there are no legal requirements that professionals working with, and for, children are subject to regular vetting to ensure their suitability to work with children;
* there are no laws/policies in place to ensure that a court session and other actions during the administrative judicial proceeding are adapted to the child’s pace and attention span, such as regular breaks and provisions on avoiding lengthy hearings;
* there are no relevant laws/policies in place on how children are consulted and the manner in which they wish to be heard when attending proceedings, such as during interviews and court sessions;
* there are no laws/policies in place to guarantee that children are prepared for, or supported, when attending proceedings, such as interviews and court sessions;
* there are no specific legal requirements on how, when and by whom children are given all the necessary information and explanations about the consequences of participating in administrative judicial proceedings and expressing their views or opinions;
* there are no provisions to ensure that information is effectively delivered to the child, or that the information is provided in a child-friendly manner;
* legal provisions do not differentiate depending on the age of the child;
* there are no specific statutory or policy provisions to provide support specifically to children in accessing remedy mechanisms.

It is noteworthy that, at the moment, Croatia is actively amending its framework laws and relevant secondary legislation as well as adopting new ones. The [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) is in the process of being amended. Amendments are likely to concern the legal standing of children in judicial proceedings. As an example, the new Family Act will likely introduce the appointment of specialised judges who are continuously educated in special techniques, methods and best practices involving children. This change might diminish the inadequate and unequal practices amongst judges and courts.

Finally, it is important to highlight that all competent ministries are in the process of drafting a national strategic document on the protection and promotion of rights of children in Croatia for the years 2013-2020. The expert team from the Ministry of Social Policy and Youth, with all other relevant stakeholders, is developing the [National Strategy for Children Rights from 2014. to 2020](http://www.mspm.hr/novosti/vijesti/javna_rasprava_o_nacrtu_prijedloga_nacionalne_strategije_za_prava_djece_u_republici_hrvatskoj_2014_2020). The strategy aims to promote systems and services that are adjusted to children. This strategic document will focus on the position of children in criminal, civil and administrative judicial proceedings, especially in relation to child friendly justice

1. List of legislation

Act on electronic media (*Zakon o elektroničkim medijima)* NN 153/09, 84/11, 94/13

Act on elementary and high school raising and education (*Zakon o odgoju i obrazovanju u osnovnoj i srednjoj školi*) NN 87/08, 86/09, [92/10](http://www.zakon.hr/cms.htm?id=68), [105/10](http://www.zakon.hr/cms.htm?id=69), [90/11](http://www.zakon.hr/cms.htm?id=70), [5/12](http://www.zakon.hr/cms.htm?id=71), [16/12](http://www.zakon.hr/cms.htm?id=72), [86/12](http://www.zakon.hr/cms.htm?id=73), [126/12](http://www.zakon.hr/cms.htm?id=182), [94/13](http://www.zakon.hr/cms.htm?id=480)

Act on preschool raising and education (*Zakon o predškolskom odgoju i obrazovanju)* NN 10/97, 107/07,94/13

Act on the offences (*Prekršajni zakon*) NN 107/07, 39/13

Act on the protection of persons with mental Health Problems (*Zakon o zaštiti osoba s duševnim smetnjama*) NN, 11/97, 27/98, 128/99, 79/02

Act on the protection of the rights of patient (*Zakon o zaštiti pacijenata*) NN 169/04, 37/08.

Civil obligation act (*Zakon o obveznim odnosima*) NN 35/05, 41/08, 125/11

Civil procedure act (*Zakon o parničnom postupku*) NN 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 123/08, 57/11, 148/11, 25/13

Constitution of the Republic of Croatia (*Ustav Republike Hrvatske*) NN 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10

Criminal Code (*Kazneni zakon*) NN 125/11, 144/12

Criminal procedure act (*Zakon o kaznenom postupku*) NN 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13

Draft on the Proposal of the National Strategy for Children Rights from 2014. to 2020, available in Croatian language

EACH Charter on Rights of Children in Hospitals (*Povelja o pravima djeteta u bolnici*), 1988

Family act (*Obiteljski Zakon*) NN 116/03, 17/04, 136/04, 107/07, 57/11, 61/11

Free legal aid act (*Zakon o besplatnoj pravnoj pomoći*) NN 62/08, 44/11, 81/11

Health protection act (Zakon o zdravstvenoj zaštiti) NN 150/08, 71/10, 139/10, 22/11, 84/11, 154/11, 12/12, 35/12, 70/12, 144/12, 82/13

Law of foreigners (*Zakon o strancima*) NN 130/11, 74/13

Law on administrative disputes (*Zakon o upravnim sporovima*), NN 20/10, 143/12

Law on administrative procedure (*Zakon o općem upravnom postupku*) NN 47/09

Law on asylum (*Zakon o azilu*) NN 79/07, 88/10

Law on court taxes (*Zakon o sudskim pristojbama*) NN 74/95, 57/96, 137/02, 26/03, 125/11, 112/12

Law on courts (*Zakon o sudovima*) NN 28/13

Law on ombudsman for children (*Zakon o pravobranitelju za djecu*) NN 96/03

Law on personal name (*Zakon o osobnom imenu*) NN 118/12

Law on suppression of the discrimination (*Zakon o suzbijanju diskriminacije*) NN 85/08, 112/12

Law on the execution of prison sentences (*Zakon o izvršavanju kazne zatvora*) NN 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13

Law on the execution of sanctions imposed on juveniles convicted of crimes and offences (*Zakon o izvršavanju sankcija izrečenih maloljetnicima za kaznena djela i prekršaje*) NN 133/12

Media act (*Zakon o medijima*) NN 59/04, 84/11, 81/13

Ordinance on the method of keeping a register and case files of children under guardianship, the method of taking of inventory and description of property, and of submitting reports and rendering of the guardian’s accounts (*Pravilnik o načinu vođenja očevidnika i spisa predmeta osoba pod skrbništvom, načinu popisa i opisa njihove imovine te podnošenja izvješća i polaganja računa skrbnika*) NN 32/05

Ordinance on the method of keeping a register of court decisions on support and settlements made in the Centres for social care (*Pravilnik o načinu vođenja očevidnika sudskih odluka o uzdržavanju i nagodba sklopljenih u centru za socijalnu skrb* ) NN 32/05

Protocol for identification, help and protection of the trafficking victims (*Protokol za identifikaciju, pomoć i zaštitu žrtava trgovanja ljudima)*

Protocol of Procedure in Cases of Domestic Violence (*Protokol o postupanju u slučaju nasilja u obitelji*)

Protocol of Procedure in Cases of Sexual Violence (*Protokol o postupanju u slučaju seksualnog nasilja*)

Protocol of Procedure in Cases of Uncommpanied Children – Foreign Citizens (*Protokol o postupanju prema djeci odvojenoj od roditelja – stranim državljanima*)

Protocol of Procedure in the event of violence among children and youth (*Protokol o postupanju u slučajevima nasilja među djecom i mladeži)*

Seizure act (*Ovršni zakon*) NN 112/12, 25/13

Social welfare act (*Zakon o socijalnoj skrbi*) NN 33/12

UN Convention on the Rights of the Child (CRC) (*UN Konvencija o pravima djeteta*) ratified as International Agreement and published in SL SRJ No. 15/1990

Youth Courts act (*Zakon o sudovima za mladež*) NN 84/11, 143/12, 148/13

1. This table provides an indicative summary of competent courts and relevant proceedings. However, please check [Section 1](#Section1) for a complete overview of the competent courts or sections/divisions within the competent courts. [↑](#footnote-ref-1)
2. This study on Children’s involvement in judicial proceedings is composed by three contextual overviews i.e. contextual overview for criminal justice, contextual overview for civil justice, contextual overview for administrative justice. The rules applying to judicial proceedings in the sectors of family and employment are described in the contextual overview for civil justice. [↑](#footnote-ref-2)
3. (MACR) Minimum Age of Criminal Responsibility – see Table 3.1 of the [EU Summary of contextual overviews on children's involvement in criminal judicial proceedings](http://bookshop.europa.eu/children-in-criminal-judicial-proceedings)  on MACR in EU28 as at 1 June 2012. [↑](#footnote-ref-3)
4. [Law on Administrative Procedure](http://legislationline.org/documents/action/popup/id/16474) ([*Zakon o općem upravnom postupku*](http://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku)), NN 47/09. [↑](#footnote-ref-4)
5. [Law on Administrative Disputes](http://legislationline.org/documents/action/popup/id/16466) ([*Zakon o upravnim sporovima*](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima)), NN 20/10, 143/12. [↑](#footnote-ref-5)
6. Article 2 of the [LAP](http://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku)*.* [↑](#footnote-ref-6)
7. Article 4 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-7)
8. [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu) (*Zakon o azilu*) NN 79/07, 88/10. [↑](#footnote-ref-8)
9. [Law on Foreigners](http://www.zakon.hr/z/142/Zakon-o-strancima) (*Zakon o strancima*) NN 130/11, 74/13. [↑](#footnote-ref-9)
10. [Act on Preschool Raising and Education](http://www.zakon.hr/z/492/Zakon-o-pred%C5%A1kolskom-odgoju-i-obrazovanju) (*Zakon o predškolskom odgoju i obrazovanju)* NN 10/97, 107/07,94/13. [↑](#footnote-ref-10)
11. [Act on Elementary and High School Raising and Education](http://www.zakon.hr/z/317/Zakon-o-odgoju-i-obrazovanju-u-osnovnoj-i-srednjoj-%C5%A1koli) (*Zakon o odgoju i obrazovanju u osnovnoj i srednjoj školi*) NN [87/08](http://www.zakon.hr/cms.htm?id=66), [86/09](http://www.zakon.hr/cms.htm?id=67), [92/10](http://www.zakon.hr/cms.htm?id=68), [105/10](http://www.zakon.hr/cms.htm?id=69), [90/11](http://www.zakon.hr/cms.htm?id=70), [5/12](http://www.zakon.hr/cms.htm?id=71), [16/12](http://www.zakon.hr/cms.htm?id=72), [86/12](http://www.zakon.hr/cms.htm?id=73), [126/12](http://www.zakon.hr/cms.htm?id=182), [94/13](http://www.zakon.hr/cms.htm?id=480)**.** [↑](#footnote-ref-11)
12. [Health Protection Act](http://www.zakon.hr/z/190/Zakon-o-zdravstvenoj-za%C5%A1titi) (*Zakon o zdravstvenoj zaštiti*) NN 150/08, 71/10, 139/10, 22/11, 84/11, 154/11, 12/12, 35/12, 70/12, 144/12, 82/13. [↑](#footnote-ref-12)
13. [Act on Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama) (*Zakon o zaštiti osoba s duševnim smetnjama*) NN, 11/97, 27/98, 128/99, 79/02. [↑](#footnote-ref-13)
14. European Association for Children in Hospitals, Charter on Children’s Rights in Hospitals (*Povelja o pravima djeteta u bolnici*), adopted in 1988, the Netherlands. [↑](#footnote-ref-14)
15. [Act on Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-15)
16. Article 9 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) (*Zakon o prekršajima*) NN 107/07, 39/13, 157/13. [↑](#footnote-ref-16)
17. Youth Courts Act (*Zakon o sudovima za mladež*) NN 84/11, 143/12, 148/13, [↑](#footnote-ref-17)
18. Article 9(2) of the Act on Offences. [↑](#footnote-ref-18)
19. [Social Welfare Act](http://cadial.hidra.hr/searchdoc.php?query=azbest&searchText=on&searchTitle=on&searchDescriptors=on&resultlimitnum=10&resultoffset=&lang=en&annotate=on&bid=jKl8xE4cCy14QQ0XtkuDYw%3D%3D) (*Zakon o sociajlnoj skrbi*), NN 57/11. [↑](#footnote-ref-19)
20. [Social Welfare Act](http://cadial.hidra.hr/searchdoc.php?query=azbest&searchText=on&searchTitle=on&searchDescriptors=on&resultlimitnum=10&resultoffset=&lang=en&annotate=on&bid=jKl8xE4cCy14QQ0XtkuDYw%3D%3D) (*Zakon o sociajlnoj skrbi*), NN 57/11. [↑](#footnote-ref-20)
21. According to the case-law of the European Court of Human Rights, minor offence proceedings, for the most part, might generally be considered as criminal proceedings, at least for the purposes of the protection provided by Article 6 of the European Convention, see e.g. Engel Others v. the Netherlands, case no. 5100/71 et al., judgement of 8 June 1976, paras 82 and 83, and subsequent jurisprudence, Besides this categorisation, the minor offence proceedings in the Croatian legal system have an autonomous legal nature. [↑](#footnote-ref-21)
22. [Protocol of Procedure in the event of violence among children and youth](file:///C%3A%5CUsers%5Cgk%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CUsers%5Cai%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CAppData%5CRoaming%5CAppData%5CRoaming%5CDownloads%5CProtokol%2Bo%2Bpostupanju%2Bu%2Bslucaju%2Bnasilja%2Bmedju%2Bdjecom%2Bi%2Bmladima.pdf) (*Protokol o postupanju u nasilja među djecom i mladeži),* November 2011*.*  [↑](#footnote-ref-22)
23. [Protocol of Procedure in Cases of Domestic Violence](file:///C%3A%5CUsers%5Cgk%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CUsers%5Cai%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CAppData%5CRoaming%5CAppData%5CRoaming%5CDownloads%5CProtokolopostupanjuuslucajunasiljauobitelji.pdf) (*Protokol o postupanju u slučaju nasilja u obitelji*), adopted in November 2013. [↑](#footnote-ref-23)
24. [Protocol of Procedure in Cases of Sexual Violence](file:///C%3A%5CUsers%5Cgk%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CUsers%5Cai%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CAppData%5CRoaming%5CAppData%5CRoaming%5CDownloads%5CProtokol%20o%20postupanju%20u%20slucaju%20seksualnog%20nasilja_final.pdf) (*Protokol o postupanju u slučaju seksualnog nasilja*), adopted in November 2012 by the Croatian Government, its Office for gender equality [↑](#footnote-ref-24)
25. Protocol of Procedure in Cases of Uncommpanied Children – Foreign Citizens (*Protokol o postupanju prema djeci odvojenoj od roditelja – stranim državljanima*), July 2013. [↑](#footnote-ref-25)
26. [Protocol for identification, help and protection of the trafficking victims](file:///C%3A%5CUsers%5Cgk%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CUsers%5Cai%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CDownloads%5C54_09.pdf) (*Protokol za identifikaciju, pomoć i zaštitu žrtava trgovanja ljudima)*, November 2008. [↑](#footnote-ref-26)
27. Information provided from the Ministry of Social Policy and Youth. [↑](#footnote-ref-27)
28. [Law on Ombudsman for Children](http://www.zakon.hr/z/264/Zakon-o-pravobranitelju-za-djecu) (*Zakon o pravobranitelju za djecu*) NN 96/03. [↑](#footnote-ref-28)
29. [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) (*Obiteljski zakon)* NN 116/03, 17/04, 136/04, 107/07, 57/11, 61/11. [↑](#footnote-ref-29)
30. Article 274 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-30)
31. Article 274 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-31)
32. [Social Welfare Act](http://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi) (*Zakon o socijalnoj skrbi)* NN 33/12. [↑](#footnote-ref-32)
33. Article 269 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-33)
34. [Constitution of Croatia](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske) (*Ustav Republike Hrvatske*) NN 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10. [↑](#footnote-ref-34)
35. Articles 14 and 26 of the [Constitution of Croatia](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske). [↑](#footnote-ref-35)
36. Article 38 of the [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske). [↑](#footnote-ref-36)
37. Article 269 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-37)
38. Articles 62 to 66 of the [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske). [↑](#footnote-ref-38)
39. Article 63 of the [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske). [↑](#footnote-ref-39)
40. Article 64 of the [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske). [↑](#footnote-ref-40)
41. Article 19 of the [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske). [↑](#footnote-ref-41)
42. Ratified as international agreement and published in SL SRJ No. 15/1990. [↑](#footnote-ref-42)
43. Information provided by the Ministry od Social Policy and Youth during the interview [↑](#footnote-ref-43)
44. This is in accordance with the term used by the [UNCRC](http://www.unicef.hr/upload/file/300/150215/FILENAME/Konvencija_20o_20pravima_20djeteta.pdf). [↑](#footnote-ref-44)
45. Article 269 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-45)
46. Information obtained based on the interview with the judge. [↑](#footnote-ref-46)
47. Article 64 of the [Constitution](http://www.zakon.hr/z/94/Ustav-Republike-Hrvatske). [↑](#footnote-ref-47)
48. [Ratified](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=43&Lang=en) as International Agreement and published in SL SRJ No. 15/1990. [↑](#footnote-ref-48)
49. [Law on Suppression of Discrimination](http://www.zakon.hr/z/490) (*Zakon o suzbijanju diskriminacije)* NN 85/08, 112/12. [↑](#footnote-ref-49)
50. [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu) (*Zakon o azilu*) NN 79/07, 88/10. [↑](#footnote-ref-50)
51. [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) (*Obiteljski zakon*) NN 17/2004, 136/2004, 107/2007, 61/2011, 116/2003. [↑](#footnote-ref-51)
52. Article 4 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-52)
53. Article 116 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-53)
54. Article 278 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-54)
55. Article 198 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-55)
56. Article 93, paragraph 3 of the [Law on Courts](http://www.zakon.hr/z/122/Zakon-o-sudovima) (*Zakon o sudovima*), NN 28/12. [↑](#footnote-ref-56)
57. Article 4 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-57)
58. [Civil Procedure Act](http://www.zakon.hr/z/134) (*Zakon o općem upravnom postupku*), NN 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 123/08, 57/11, 148/11, 25/13. [↑](#footnote-ref-58)
59. [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) (*Obiteljski zakon*) NN 116/03, 17/04, 136/04, 107/07, 57/11, 61/11. [↑](#footnote-ref-59)
60. Article 20, paragraph 6 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-60)
61. Article 16 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-61)
62. This is in accordance with the term used by the [UN Convention on the Rights of Children](http://www.unicef.hr/upload/file/300/150215/FILENAME/Konvencija_20o_20pravima_20djeteta.pdf). [↑](#footnote-ref-62)
63. Article 120, paragraphs 3 and 4 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-63)
64. Article 120 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon) and Article 18 of the [Labor Act.](http://www.zakon.hr/z/307) [↑](#footnote-ref-64)
65. Article 20 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-65)
66. Article 20, paragraph 4 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-66)
67. Article 20, paragraph 5 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-67)
68. Information obtained in interview with national stakeholder (judge). [↑](#footnote-ref-68)
69. Article 19 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-69)
70. Article 33, paragraph 5 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-70)
71. Article 235 of the [CPA](http://www.zakon.hr/z/134/). [↑](#footnote-ref-71)
72. Article 238 of the [CPA](http://www.zakon.hr/z/134/). [↑](#footnote-ref-72)
73. Article 26 of the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu). [↑](#footnote-ref-73)
74. Article 25 of the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu). [↑](#footnote-ref-74)
75. Article 152 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-75)
76. Article 103 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-76)
77. Article 103(4) of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-77)
78. Article 104 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-78)
79. Article 167 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-79)
80. Article 105 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-80)
81. Article 111 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-81)
82. Article 112 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-82)
83. Articles 105, 111 and 112 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-83)
84. [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama) (*Zakon o zaštiti osoba s duševnim smetnjama*) NN, 11/97, 27/98, 128/99, 79/02. [↑](#footnote-ref-84)
85. Article 3(14) of the [Act on Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-85)
86. Article 116, paragraph 1 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-86)
87. Article 116, paragraph 3 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-87)
88. Article 116, paragraph 2 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-88)
89. Article 116, paragraph 7 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-89)
90. Articles 63 and 64 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-90)
91. [Criminal Procedure Act](http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku) (*Zakon o kaznenom postupku*) NN 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13. [↑](#footnote-ref-91)
92. Article 287 of the [Criminal Procedure Act](http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku). [↑](#footnote-ref-92)
93. Article 115, paragraph (8) of the [Youth Courts Act](http://www.zakon.hr/z/180/Zakon-o-sudovima-za-mlade%C5%BE). [↑](#footnote-ref-93)
94. Article 89, paragraph 5 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-94)
95. Article 15 of the [Social Welfare Act](http://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi). [↑](#footnote-ref-95)
96. Article 157 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-96)
97. Article 9 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-97)
98. Official website of the [Ministry of Social Policy and Youth](http://www.mspm.hr/). [↑](#footnote-ref-98)
99. Official website of the [Children’s Ombudsman](http://www.dijete.hr). [↑](#footnote-ref-99)
100. [AZANAS](http://azanas.dijete) website with child-friendly material. [↑](#footnote-ref-100)
101. Article 157 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-101)
102. Article 8(6) of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-102)
103. Article 8(4) of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-103)
104. Article 8(7) of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-104)
105. Article 9(1-4) of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-105)
106. Article 27 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-106)
107. Articles 35 and 36 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-107)
108. Article 8, paragraph 5 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-108)
109. Article 86 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-109)
110. Article 223, paragraph 4 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-110)
111. Article 221, paragraph 1 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-111)
112. Article 116, paragraph 6 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-112)
113. [Personal Data Protection Act](http://www.zakon.hr/z/220/Zakon-o-za%C5%A1titi-osobnih-podataka) (*Zakon o zaštiti osobnih podataka*) NN NN [103/03](http://www.zakon.hr/cms.htm?id=91), [118/06](http://www.zakon.hr/cms.htm?id=92), [41/08](http://www.zakon.hr/cms.htm?id=93), [130/11](http://www.zakon.hr/cms.htm?id=94), [106/12](http://www.zakon.hr/cms.htm?id=95)**.** [↑](#footnote-ref-113)
114. [Directive 95/46/EC](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:EN:HTML) **of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.** [↑](#footnote-ref-114)
115. Article 38, paragraph 2 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-115)
116. Article 53, paragraph 2 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-116)
117. Article 198 of the [Social Welfare Act](http://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi). [↑](#footnote-ref-117)
118. [Media Act](http://www.zakon.hr/z/38/Zakon-o-medijima) (*Zakon o medijima*) NN 59/04, 84/11, 81/13. [↑](#footnote-ref-118)
119. [Act on Electronic Media](http://www.zakon.hr/z/196/Zakon-o-elektroni%C4%8Dkim-medijima) (*Zakon o elektroničkim medijima*) NN 153/09, 84/11, 94/13. [↑](#footnote-ref-119)
120. Article 16 of the [Media Act](http://www.zakon.hr/z/38/Zakon-o-medijima). [↑](#footnote-ref-120)
121. Article 157 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-121)
122. Article 176 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-122)
123. Article 89, paragraph 3 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-123)
124. Article 17 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-124)
125. Article 17 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-125)
126. Article 17 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-126)
127. Article 18 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-127)
128. Article 223, paragraph 11 of the [Act on Offences.](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) [↑](#footnote-ref-128)
129. Article 169, paragraph 7 of the [Act on Offences.](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon) [↑](#footnote-ref-129)
130. Article 223, paragraph 10 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-130)
131. Article 8 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-131)
132. Information provided during interview with social worker. [↑](#footnote-ref-132)
133. As prescribed by the [Ordinance on conditions regarding premises, equipment, experts or other workers within social centres providing family care services and the manner of providing that service](http://narodne-novine.nn.hr/clanci/sluzbeni/2006_08_93_2167.html), O.J. NN 93/2006. [↑](#footnote-ref-133)
134. Article 47 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-134)
135. Article 274 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-135)
136. Article 89, paragraph 5 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-136)
137. Article 276, paragraph 1 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-137)
138. Article 278 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-138)
139. Article 269, paragraph 2 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-139)
140. Article 89, paragraph 5 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-140)
141. Articles 274-279 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-141)
142. Article 53, paragraph 2 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-142)
143. Information provided during interview with national stakeholder (judge). [↑](#footnote-ref-143)
144. Official website of the [Ministry of Social Policy and Youth](http://www.mspm.hr/). [↑](#footnote-ref-144)
145. Official website of the [Children’s Ombudsman](http://www.dijete.hr). [↑](#footnote-ref-145)
146. Article 26 of the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu). [↑](#footnote-ref-146)
147. Article 116 of the [[Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon).](http://www.zakon.hr/z/88/Obiteljski-zakon) [↑](#footnote-ref-147)
148. Article 12(3) of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-148)
149. Article 34 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-149)
150. Article 12(3) of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-150)
151. Article 30 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-151)
152. Article 223, paragraph 9 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-152)
153. Article 221, paragraph 6 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-153)
154. Article 223, paragraph 3 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-154)
155. Article 223, paragraphs 6 and 7 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-155)
156. Article 223, paragraph 5 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-156)
157. Article 89, paragraph 5 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-157)
158. Articles 274-279 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-158)
159. Articles 115, paragraphs 2 to 8 of the [Youth Courts Act](http://www.zakon.hr/z/180/Zakon-o-sudovima-za-mlade%C5%BE) and Article 292, paragraph 1 of the [Criminal Procedure Act.](http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku) [↑](#footnote-ref-159)
160. Article 115, paragraph 4, [Youth Courts Act](http://www.zakon.hr/z/180/Zakon-o-sudovima-za-mlade%C5%BE). [↑](#footnote-ref-160)
161. Article 292, paragraph 3 of the [Criminal Procedure Act.](http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku) [↑](#footnote-ref-161)
162. Article 115, paragraph 8 of the [Youth Courts Act](http://www.zakon.hr/z/180/Zakon-o-sudovima-za-mlade%C5%BE). [↑](#footnote-ref-162)
163. Article 20, paragraph 6 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-163)
164. Article 20, paragraph 4 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-164)
165. Article 20, paragraph 5 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-165)
166. Article 33, paragraph 5 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-166)
167. Article 11 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-167)
168. Articles 172-178 of the [CPA](http://www.zakon.hr/z/134). [↑](#footnote-ref-168)
169. Article 25 of the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu). [↑](#footnote-ref-169)
170. Article 9(4) of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-170)
171. Article 17 of the [Act on the Protection of the Rights of the Patient](http://www.zakon.hr/z/255/Zakon-o-za%C5%A1titi-prava-pacijenata). [↑](#footnote-ref-171)
172. Article 18 of the [Act on the Protection of Patients' Rights](http://www.zakon.hr/z/255/Zakon-o-za%C5%A1titi-prava-pacijenata). [↑](#footnote-ref-172)
173. Article 9(4) of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-173)
174. Article 162 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-174)
175. Article 223, paragraph 2 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-175)
176. Article 223, paragraph 4 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-176)
177. Articles 269 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-177)
178. Article 116, paragraph 3 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-178)
179. Article 116 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-179)
180. Article 81 of the [CPA](http://www.zakon.hr/z/134). [↑](#footnote-ref-180)
181. As prescribed by the Article 120 of the [[Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon)](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-181)
182. Article 112 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-182)
183. Article 111(1) of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-183)
184. Article 152 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-184)
185. Article 167 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-185)
186. Articles 89-101 of the [CPA](http://www.zakon.hr/z/134). [↑](#footnote-ref-186)
187. Article 84 of the [CPA](http://www.zakon.hr/z/134). [↑](#footnote-ref-187)
188. Article 81 of the [CPA](http://www.zakon.hr/z/134). [↑](#footnote-ref-188)
189. [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i) (*Zakon o besplatnoj pravnoj pomoći*) NN 62/08, 44/11, 81/11. [↑](#footnote-ref-189)
190. Article 1(2) of the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i). [↑](#footnote-ref-190)
191. Article 4, 5 and 5a of the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i). [↑](#footnote-ref-191)
192. Article 26 of the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu). [↑](#footnote-ref-192)
193. Article 116, paragraph 3 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-193)
194. Article 1(2) of the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i). [↑](#footnote-ref-194)
195. Article 74 of the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu). [↑](#footnote-ref-195)
196. Article 74 of the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu). [↑](#footnote-ref-196)
197. [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-197)
198. Article 3(14) of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-198)
199. Article 25 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-199)
200. Article 27 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-200)
201. Article 29 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-201)
202. Article 31 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-202)
203. Article 38 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama) [↑](#footnote-ref-203)
204. Article 30 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-204)
205. Article 35 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-205)
206. Article 34 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-206)
207. Article 135 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-207)
208. Article 135 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-208)
209. Article 137 of [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-209)
210. Article 66 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-210)
211. Article 66 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-211)
212. Article 78 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-212)
213. Article 60 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-213)
214. Article 276, paragraph 1 of the [[Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon)](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-214)
215. Article 23, paragraph 2 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-215)
216. Article 59 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-216)
217. Article 29 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-217)
218. Article 30 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-218)
219. Article 35 of the [Act on the Protection of Persons with Mental Health Problems](http://www.zakon.hr/z/181/Zakon-o-za%C5%A1titi-osoba-s-du%C5%A1evnim-smetnjama). [↑](#footnote-ref-219)
220. Article 192, paragraph 6 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-220)
221. Article 191 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-221)
222. Article 192, paragraph 6 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-222)
223. As listed in Article 82, paragraph 3 of the [Criminal Code](http://www.zakon.hr/z/98). [↑](#footnote-ref-223)
224. Article 137, paragraph 3 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-224)
225. Article 25, paragraph (3) of the [Act on Financial Compensations to Victims of Crimes](http://www.zakon.hr/z/252/Zakon-o-nov%C4%8Danoj-naknadi-%C5%BErtvama-kaznenih-djela). [↑](#footnote-ref-225)
226. Article 78 of the [LAD](http://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima). [↑](#footnote-ref-226)
227. [Law on Court Taxes](http://www.zakon.hr/z/224/Zakon-o-sudskim-pristojbama) (*Zakon o sudskim troškovima*) NN 74/95, 57/96, 137/02, (26/03), 125/11, 112/12. [↑](#footnote-ref-227)
228. Article 16 of the [Law on Court Taxes](http://www.zakon.hr/z/224/Zakon-o-sudskim-pristojbama). [↑](#footnote-ref-228)
229. [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i) (*Zakon o besplatnoj pravnoj pomoći*) NN 62/08, 44/11, 81/11. [↑](#footnote-ref-229)
230. Article 1(2) of the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i). [↑](#footnote-ref-230)
231. Article 152 of the [CPA](http://www.zakon.hr/z/134/). [↑](#footnote-ref-231)
232. Article 140, paragraph 1 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-232)
233. Article 172 of the [CPA](http://www.zakon.hr/z/134/). [↑](#footnote-ref-233)
234. Article 172 of the [CPA](http://www.zakon.hr/z/134/). [↑](#footnote-ref-234)
235. Article 172 of the [CPA](http://www.zakon.hr/z/134/). [↑](#footnote-ref-235)
236. Article 4, 5 and 5a of the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i). [↑](#footnote-ref-236)
237. Article 70a of the [Law on Asylum](http://www.zakon.hr/z/314/Zakon-o-azilu). [↑](#footnote-ref-237)
238. Article 4, 5 and 5a of the [Free Legal Aid Act](http://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i) [↑](#footnote-ref-238)
239. Articles 138 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-239)
240. Articles 138-140 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-240)
241. Article 152 of the [Civil Procedure Act](http://www.zakon.hr/z/134). [↑](#footnote-ref-241)
242. Articles 139 and 140 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-242)
243. Article 227, paragraph 4 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-243)
244. Articles 139, paragraph 6 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-244)
245. Article 116 of the [Family Act](http://www.zakon.hr/z/88/Obiteljski-zakon). [↑](#footnote-ref-245)
246. Information provided during interview with national stakeholder (judge). [↑](#footnote-ref-246)
247. Article 63 and 64 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-247)
248. Article 65 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-248)
249. Article 65 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-249)
250. Articles 36 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-250)
251. Articles 72 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-251)
252. Articles 35 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-252)
253. Articles 72 of the [Act on Offences](http://www.zakon.hr/z/52/Prekr%C5%A1ajni-zakon). [↑](#footnote-ref-253)
254. Articles 45-52 of the [Law on the Execution of Sanctions Imposed on Juveniles Convicted of Crimes and Offences](http://www.zakon.hr/z/235/Zakon-o-izvr%C5%A1avanju-sankcija-izre%C4%8Denih-maloljetnicima-za-kaznena-djela-i-prekr%C5%A1aje). [↑](#footnote-ref-254)
255. [Youth Courts Act](http://www.zakon.hr/z/180/Zakon-o-sudovima-za-mlade%C5%BE) (*Zakon o sudovima za mladež*) NN 84/11, 143/12. [↑](#footnote-ref-255)
256. [Law on the Execution of Prison Sentences](http://www.zakon.hr/z/179/Zakon-o-izvr%C5%A1avanju-kazne-zatvora) (*Zakon o izvršavanju kazne zatvora*) NN128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11. [↑](#footnote-ref-256)
257. Articles 45-52 of the [Law on the Execution of Sanctions Imposed on Juveniles Convicted of Crimes and Offences](http://www.zakon.hr/z/235/Zakon-o-izvr%C5%A1avanju-sankcija-izre%C4%8Denih-maloljetnicima-za-kaznena-djela-i-prekr%C5%A1aje). [↑](#footnote-ref-257)