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*Please note that this translation is a final text version published in the Official Gazette no. 96/2003.*

## **THE LAW ON THE OMBUDSMAN FOR CHILDREN**

*(Official Gazette no. 96/2003)*

### **GENERAL PROVISIONS**

#### **Article 1.**

This Law regulates the competence and methods of work, as well as the conditions of appointment and acquittal of duty of the Ombudsman for Children and its Deputies.

#### **Article 2.**

The Ombudsman for Children protects, monitors and promotes the rights and interests of children on the basis of the Constitution of the Republic of Croatia, international treaties and laws.

#### **Article 3.**

(1) The Ombudsman for Children acts independently and autonomously, adhering to the principles of justice and morality.

(2) No one is allowed to instruct or give orders to the Ombudsman for Children in his/her work.

(3) The Ombudsman for Children must not be a member of any political party or take part in political activities.

#### **Article 4.**

(1) The Ombudsman for Children is appointed and acquitted of his duty by the Croatian National Parliament upon the proposal of the Government of the Republic of Croatia.

(2) The Ombudsman for Children has got two Deputies appointed and acquitted of their duties by the Croatian National Parliament upon the proposal of the Ombudsman for Children.

(3) The Ombudsman for Children and his/her Deputies are high-ranking officials of the Republic of Croatia, appointed for the period of eight years and they can be reappointed.

**Article 5.**

The Child, in the scope of this Law, is any person younger than 18 years of age.

**2****THE COMPETENCE AND METHODS OF WORK****Article 6.**

(1) The Ombudsman for Children:

- monitors the coordination of the laws and other regulations in the Republic of Croatia, concerned with the protection of the rights and interests of children, with the provisions of the Constitution of the Republic of Croatia, of the Convention on the Rights of the Child, and other international documents concerned with the protection of the rights and interests of children,
- monitors the fulfilment of the obligations of the Republic of Croatia arising from the Convention on the Rights of the Child and other international documents concerned with the protection of the rights and interests of children,
- monitors the implementation of all regulations concerned with the protection of the rights and interests of children,
- monitors the violation of individual rights of children and studies general occurrences and manners of violation of the rights and interests of children,
- makes efforts towards protection and promotion of the rights and interests of disabled children,
- proposes undertaking of measures intended for the creation of the coherent system of protection and promotion of the rights and interests of children and for the prevention of harmful activities jeopardizing the rights and interests of children,
- informs the public on the state of the children's rights,
- performs other activities specified by this Law.

**Article 7.**

(1) The Ombudsman for Children informs and advises children on the manner of the realization and protection of their rights and interests.

(2) The Ombudsman for Children cooperates with children, encourages children to declare themselves and respects their opinion, initiates and participates in public activities oriented towards improvement of the position of children and proposes measures for the enhancement of the influence of children in the society.

**3****Article 8.**

(1) The Ombudsman for Children may take part in the procedure of the preparation of the draft proposals of the regulations concerned with the rights of children or those regulating important issues for children.

**Article 9.**

(1) When the Ombudsman for Children, while monitoring the situation within the competence of his/her work, considers it necessary, he/she can give impetus for the adoption or change of the laws and other regulations concerned with the rights and protection of children.

**Article 10.**

(1) While performing the activities from the scope of his/her competence, the Ombudsman for Children is authorized to warn, give proposals and give recommendations.

(2) The Ombudsman for Children is authorized to propose the realization of the measures intended for the prevention of the harmful activities jeopardizing the rights and interests of children to the competent state administration bodies, local and regional administration bodies, and to the corporation and natural persons, and to demand the reports on performed measures.

**Article 11.**

(1) State administration bodies, local and regional administration units, as well as corporation and natural persons, have the obligation to cooperate with the Ombudsman for Children and submit reports upon his/her demand, and give answers to his/her inquiries.

(2) State administration bodies, local and regional administration units, as well as corporation and natural persons, have the obligation to report immediately, latest within 15 days period, to the Ombudsman for Children on performed activities concerning his/her warning, proposal or recommendation.

(3) Should the bodies and corporation persons specified in the Paragraph (1) of this Article fail to act in accordance with his/her demand within prescribed period of time, the Ombudsman for Children will inform the body in charge of monitoring their work about it.

(4) Should the body, in charge of monitoring the bodies and corporation persons specified in the Paragraph (1) of this Article, fail to report within 8 days period about identified facts and performed measures, the Ombudsman for Children will inform the Government of the Republic of Croatia about it.

**4****Article 12.**

All state administration bodies, local and regional administration units, and corporation and natural persons have the obligation to provide to the Ombudsman for Children the accessibility and insight

into all data, information and files concerned with the rights and protection of children, disregarding their level of secrecy.

### **Article 13.**

(1) The Ombudsman for Children is entitled to the right of entering the premises and of getting the insight into the manner of the performance of care for children who are placed or are temporarily, i.e. permanently accommodated with natural and corporation persons and other legal entities on the basis of specific regulations.

(2) Upon performed inspection from the Paragraph (1) of this Article, a report will be drawn up, and it will be forwarded to the body in charge of monitoring the work of the persons from the Paragraph (1) of this Article.

(3) The body from the Paragraph (2) of this Article has the obligation to inform the Ombudsman for Children about performed activities within 30 days period of time upon the receipt of the report, and in emergency cases without any delay.

(4) Should the body in charge of monitoring fail to deliver the report within the period specified in the Paragraph (3) of this Article, the Ombudsman for Children will inform about it the Government of the Republic of Croatia and public media.

### **Article 14.**

Should the Ombudsman for Children, during the performance of his/her duties, find out that a child is being subject to physical or mental violence, sexual abuse, maltreatment or exploitation, negligence or careless treatment, he/she will immediately lodge a report about it to the competent General Attorney Office, and warn competent center for social welfare and suggest the measures for the protection of the rights and interests of the child.

### **Article 15.**

(1) The Ombudsman for Children can require expert assistance of the scientists and specialists and scientific and expert institutions competent for the research, protection, care, development and rights of children, and they have the obligation to provide such assistance.

(2) Scientific and expert institutions from the Paragraph (1) of this Article have the obligation to provide required assistance to the Ombudsman for Children in appropriate period of time.

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### **Article 16.**

(1) Everyone is entitled to the right to submit a proposal concerning the protection of the rights and interests of children for consideration to the Ombudsman for Children.

(2) The Ombudsman for Children will inform the submitter about performed activities concerning his/her proposal.

**Article 17.**

The Ombudsman for Children can not be called to account, put into custody or be punished for the expression of an opinion or performed activities within the competence of his/her work, except in case the Ombudsman for Children commits the violation of law which in its extent equals to a criminal offence.

**Article 18.**

(1) The Ombudsman for Children submits annual report about his work to the Croatian National Parliament.

(2) The Ombudsman for Children is also entitled to the right to submit to the Croatian National Parliament special reports in cases when he/she considers it to be necessary, with the goal of implementation of important measures for the protection of the rights and interests of children.

**Article 19.**

(1) Expert and administrative work for the Ombudsman for Children are being performed in the Office of the Ombudsman for Children.

(2) The headquarters of the Office of the Ombudsman for Children are situated in Zagreb.

**Article 20.**

(1) The Ombudsman for Children enacts the Rules of Procedure regulating the manner and organization of work, inner structure of the expert services department and other issues important for the work.

(2) The Rules of Procedure are to be confirmed by the Croatian National Parliament.

**Article 21.**

(1) Material resources for the work of the Ombudsman for Children, his/her Deputies and expert services department are to be insured in the State Budget of the Republic of Croatia.

**6****APPOINTMENT AND ACQUITTAL OF DUTY OF THE OMBUDSMAN FOR CHILDREN****Article 22.**

(1) A Croatian citizen with university education degree and at least 10 years of working experience, who is publicly recognized for his/her personal commitment in the field of promotion and protection of the rights of the child, can be appointed Ombudsman for Children.

(2) Croatian citizens with university education degree and at least 5 years of working experience can be appointed Ombudsman for Children Deputy.

(3) One of the Ombudsman for Children Deputies must have Faculty of Law education degree.

(4) The person validly sentenced for a criminal offence can not be appointed either the Ombudsman for Children or his/her Deputy.

### **Article 23.**

(1) The Government of the Republic of Croatia starts the procedure for the appointment of the Ombudsman for Children latest 3 months prior to the expiration date of the mandate of the Ombudsman for Children, i.e. latest 30 days after the expiration of the mandate of the Ombudsman for Children due to other reasons prescribed by the law.

(2) The Ombudsman for Children starts the procedure for the appointment of the Ombudsman for Children Deputies latest 3 months prior to the expiration date of the mandate of the Ombudsman for Children Deputies, i.e. latest 30 days after the expiration of the mandate of the Ombudsman for Children Deputies due to other reasons prescribed by the law.

### **Article 24.**

(1) Before the start of their duties, the Ombudsman for Children and his/her Deputies take an oath in front of the Croatian National Parliament.

(2) The oath reads as follows: «I herewith swear that in my work I will adhere to the Constitution and the regulations, respect the legal order of the Republic of Croatia and perform my duty justly, honorably, conscientiously and objectively in the best interest of children.».

### **Article 25.**

The Ombudsman for Children and his/her Deputies will be acquitted of duty before the expiration of the appointed mandate in case of:

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1. upon their own demand,
2. the loss of Croatian citizenship,
3. permanent loss of the duty performance ability,
4. valid sentence for the criminal offence, or
5. nonacceptance of the annual report about performed work, or illegal, untimely or unprofessional performance of his/her duty.

## **TRANSITIONAL AND FINAL PROVISIONS**

### **Article 26.**

The Government of the Republic of Croatia shall, within 60 days period, after the date this Law will have come into force, propose to the Croatian National Parliament the person to be appointed the Ombudsman for Children.

**Article 27.**

The Ombudsman for Children shall, within 30 days period upon his/her appointment day, propose to the Croatian National Parliament the persons to be appointed Deputies of the Ombudsman for Children.

**Article 28.**

The Ombudsman for Children shall enact the Rules of Procedure from the Article 20. of this Law within 90 days period upon starting his/her duty.

**Article 29.**

This Law will come into force on the eighth day upon its publication in the «Official Gazette».

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Zagreb, 29 May 2003

CROATIAN NATIONAL PARLIAMENT

Chairman of the

Croatian National Parliament

**Zlatko Tomčić**