

## **CONCLUDING OBSERVATIONS**

### **UNEDITED VERSION**

CRC/C/OPAC/HRV/1  
5 October 2007  
Original: English

### **COMMITTEE ON THE RIGHTS OF THE CHILD Forty-sixth session**

### **CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

#### **Concluding observations: CROATIA**

1. The Committee considered the initial report of Croatia (CRC/C/OPAC/HRV/1) at its 1258<sup>th</sup> meeting (see CRC/C/SR.1258), held on 18 September 2007, and adopted at the 1284<sup>th</sup> meeting, on 5 October 2007, the following concluding observations:

#### **A. Introduction**

2. The Committee welcomes the submission of the State party's initial report under the Optional Protocol as well as the written replies to its list of issues.
3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 1 October 2004 (CRC/C/15/Add.243).

#### **B. Positive aspects**

4. The Committee welcomes the State Party's declaration made upon the ratification of the Optional Protocol that Croatian legislation, and notably the Defence Law enacted in 2002, prevents persons under 18 years of age from joining the Armed Forces of the Republic of Croatia in all circumstances (e.g. state of emergency).
5. The Committee also reiterates its appreciation for the ratification by the State Party of:
  - a. the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 13 May 2002;

- b. ILO Convention no 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 17 July 2001;
- c. the Rome Statute of the International Criminal Court on 21 May 2001.

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

#### **C.1. General measures of implementation**

##### **Legislation and jurisdiction**

- 6. The Committee welcomes the information that, according to the State party's Constitution, international agreements ratified or adhered to by the State party, become automatically part of the internal legal system. It also notes with appreciation that there are some provisions in the Penal Code, and notably its article 14, which allow State party's courts to exercise, in certain cases, conditional universal jurisdiction over anyone who commits a crime which Croatia is required to punish under international law. However, the Committee is concerned that:
  - a) some of the provisions of the Protocol, and notably the criminalization of the acts prohibited therein, need specific provisions in the criminal legislation in order to be effectively applicable;
  - b) while article 158 (1) of the Penal Code establishes that recruitment of children under the age of 18 or their uses in hostilities in national Armed Forces shall be punished by imprisonment for not less than five years or by long-term imprisonment, this provision is limited to the occurrence of these acts in times of war/conflict and does not apply to peace time.
- 7. **In order to strengthen international measures for the prevention of the recruitment of children and their use in hostilities, the Committee recommends that the State Party:**
  - a) **Ensure that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities be explicitly criminalized in the State party's legislation;**
  - b) **Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State Party;**
  - c) **Ensure that military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.**

## Dissemination and training

8. The Committee notes that training activities related to the Optional Protocol at the national level are available not only to the armed forces and military personnel, but also extended to relevant civil servants.
9. **The Committee encourages the State Party to continue providing training activities on the Optional Protocol to members of armed forces and certain groups of professionals dealing with children, such as teachers, the media, authorities working for and with asylum-seeking and migrant children coming from countries affected by armed conflict, lawyers and judges, armed forces, police and military personnel. Furthermore, it recommends that the State party make the Optional Protocol widely known to the public at large and in particular to children and their parents through, *inter alia*, school curricula and human rights education.**

## Peace education

10. The Committee notes that the Government has started human rights education in schools, but regrets that human rights and – in particular – peace education is not yet an element of the curricula of all schools on all levels (see the Committee's concluding observations issued in 2004, CRC/C/15/Add.243, paragraph 58 (h)).
11. **The Committee recommends that the State party strengthen its efforts in human rights education and, in particular, peace education in the curricula of all schools and to train teachers with respect to including these themes in children's education.**

## National Human Rights Institutions

12. The Committee welcomes the fact that the Ombudsperson for Children has competence to monitor violations of individual rights of children, including violations of this Protocol.
13. **The Committee, reiterating what it previously stated in its concluding observations upon the State party's second periodic report (CRC/15/Add.243, paragraph 13), recommends that the State party continue and strengthen its political, human and financial support for the Office of the Children's Ombudsperson.**

## **C.2. Measures adopted with regard to disarmament, demobilization and social reintegration**

14. The Committee commends the State Party for including the protection, rehabilitation and social reintegration of children who have experienced war and armed conflict in the National Plan of Action as well as the fact that UNHCR is involved in training activities involving participants to peace-keeping operations. It also notes the information that there were no children recruited or used in hostilities seeking asylum in Croatia.

**15. The Committee recommends that the State Party:**

- a. identify at the earliest possible stage refugee, asylum-seeking and migrant children within their jurisdiction who may have been recruited or used in hostilities abroad, if any; and provide them with immediate, culturally sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration in accordance with article 6(3) of the Optional Protocol;**
- b. continue to take concrete action to implement the National Plan of Action for Children with respect to the protection, rehabilitation and social reintegration of children victims of war, including by providing specific budget allocations to this end.**

**C.3. International assistance and cooperation**

**Arms export**

- 16. The Committee welcomes that the State party adopted the principles of the EU Code of Conduct on Arms Exports, but notes that - among these principles - there is no specific mention, as a criterion for excluding their sale, to the possible recruitment/use in hostilities of children in the country of final destination of the arms. In this respect, the Committee also notes the information provided by the delegation that there is no specific offence in the State party's legislation prohibiting the sale of arms to countries where children could be recruited or used in hostilities.**
- 17. The Committee recommends that the State party consider introducing a specific prohibition with respect to the sale of arms when the final destination is a country where children are known to be - or may potentially be - recruited or used in hostilities.**
- 18. The Committee further recommends that the State Party, in accordance with article 7 of the Protocol, strengthen its cooperation in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary to the provisions of the Protocol, including through technical cooperation and financial assistance.**

**C.4. Follow-up and dissemination**

- 19. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Parliamentary Assembly, the Council of Ministers, the Defence Ministry and to local authorities, where applicable, for appropriate consideration and further action.**

20. **The Committee recommends that the initial report submitted by the State Party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.**

#### **C.5. Next report**

21. **In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its consolidated third and fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**