CROATIA

Comments on

Draft General Comment No. 25 (202x),

Children’s rights in relation to the digital environment

Protecting children in the digital environment is an important goal of policies that address the protection and promotion of children's rights. With the rapid development of modern technology, children start to have a contact with digital technology in early ages, and thus start to use digital devices, very often without adult supervision, which entails possible negative impacts. However, if used properly, digital content can also have positive effects and can be used to develop new abilities and skills of children and young people. It is important to keep in mind that all types of media records greatly influence the shaping of socially responsible behaviour, so legislation that contributes to the promotion of media literacy is of great importance. Media literacy involves the development of critical thinking in children and young people towards the messages they find in the digital environment, in order to become subjects, not message objects. Accordingly, the development of policies that lead to additional education of children and adults are extremely important and the Republic of Croatia is working to strengthen institutions to protect and promote children's rights and raise awareness of the impact of digital technology on children's lives and thus society.

**III. General principles**

Since 1991, the Republic of Croatia has been a party to the UN Convention on the Rights of the Child as an international document prescribing the rights of children all over the world, including, among other things, children's rights to quality health care, clean water, healthy food and clean environment. In the light of its objectives Croatia adopted the National Strategy for the Rights of the Child in the Republic of Croatia for the period 2014-2020, as the fundamental document promoting the integrated and integrative access to children's rights.

The Children's Council, as the coordinating body of the Government at the national level, has the role of harmonizing the work of state and other bodies in monitoring the application of the Convention on the Rights of the Child and national legislation and programs. Along with prominent experts, representatives of relevant ministries and relevant institutions and civil society organizations, as members of the Children's Council there are also representatives of the children themselves and a representative of the National Council of Students, which also enables children to participate directly in policy shaping and policy making procedures.

Other ways of children's right to participate is fulfilled through: Youth Advisory Boards in the units of local and regional self-government, the National Council of Students, Councils of Pupils, National Council of Pupils of the Republic of Croatia, civil society organisations (such as the Council for Children and Children's Forums, The Alliance of Societies Our Children of Croatia, etc. ), the Advisory Committee on Children's Participation of UNICEF Office in Croatia, The Network of Young Counsellors to the Office of the Ombudswoman for Children.

**III. A.**

**Concerning the right to non-discrimination with the access to the digital environment** (par. 10 of General Comment), in the Republic of Croatia the access and use of ICT by children is observed through the number of households equipped with a personal computer and Internet access. According to the Release of Croatian Bureau of Statistics (Usage of information and communication technologies (ICT) in households and by individuals, 2019, first results, Zagreb, 4 December 2019, Year: LVI, No.: 2.3.2., <https://www.dzs.hr/Hrv_Eng/publication/2019/02-03-02_01_2019.htm> ), usage of mobile broadband internet usage is rising, as well as computer and internet usage in all age groups.

As according to census from 2011, the total number of households in the Republic of Croatia is 1.519.038, out of which 55% owns a computer, and 50% use Internet (Croatian Bureau of Statistics, <https://www.dzs.hr/Hrv/censuses/census2011/results/htm/h02_01_20/H02_01_20.html> ). That is the statistics from 2011, however, in 2019, as per the above-mentioned Release of Croatian Bureau of Statistics from 2019, number of households equipped with ICT in 2019 is 74%, and 84% has access to Internet.

Market indicators of the Croatian regulatory Authority for Network Industries show that number of broadband connections via fixed network raised from the year 2014 to the year of 2019 for 20%. This statistical data is supported with the fact that number of mobile telephone users is slightly bigger (4.404.652 in the year 2019) than the number of total population in the Republic of Croatia, which is 4.087.843 (Population estimate of Republic of Croatia, First Release, Zagreb, 13 September 2019, No. 7.1.3., Year LVI. <https://www.hakom.hr/default.aspx?id=60>)

An increase in usage of computers by individuals, as per the above-mentioned Release of Croatian Bureau of Statistics from 2019, was noticed in all age groups, however it is visible that the youngest population, which is in this statistics: 16-24 years, maintains the lead in computer usage. Considering the usage on Internet by individuals from the same document, conclusion is again that the youngest population maintains the lead in internet usage.

These numbers can be taken as indicators in showing that the Republic of Croatia makes sure to ensure all children have equal and effective access to the digital environment. With the rise of the number of users, the cost of connectivity is lowering down.

**V. H. Cooperation with civil society**

Cooperation with civil society is regular and continuous, and is very important when sharing experiences and information on problems children face in the digital environment. Through activities of Society for communication and media culture, Croatia participated in a multinational research EU Kids online, that is enhancing knowledge of European children’s online opportunities, risks and safety, using multiple methods. The research results have shown that still many children do not receive appropriate support or advices.

**VI. B. Freedom of expression & E. Right to privacy**

In exercising the right on freedom of expression, media have to obey the right to privacy, as according to the Art. 16 of the Convention. The right to privacy in the Republic of Croatia is protected primarily by the Constitution of the Republic of Croatia, Article 35, which says: Everyone is guaranteed respect and legal protection of his personal and family life, dignity, reputation and honor. There are several regulations that contain provisions of sanctions for violations of the right to privacy in media. Media Act (Zakon o medijima) in its Art.7. states that every person has the right to the protection of privacy, dignity, reputation and honor. Furthermore, Art.12, section (3) of the Law on Electronic Media (Zakon o elektroničkim medijima) states that the publication of information revealing the identity of a child under the age of 18 involved in cases of any violence is not permitted. The Ordinance on the Protection of Minors in Electronic Media is also important for the protection of the rights of children and young people in the media. minor, and his/her identity.

In relation to the protection of the right to privacy, Republic of Croatia has Law on the Implementation of the General Data Protection Regulation (Zakon o provedbi Opće uredbe o zaštiti podataka, Narodne novine, 42/18), that ensures implementation of General Data Protection Regulation of the European Union - Regulation (EU) 2016/679 of the European Parliament and the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC. The supervisory body in the Republic of Croatia is the Personal Data Protection Agency as an independent state body.

**VII. Violence against children**

Ministry of Science and Education has the Action plan for the prevention of violence in schools (Akcijski plan za prevenciju nasilja u školama, 2021.-2024., <https://mzo.gov.hr/UserDocsImages/dokumenti/StrucnaTijela/Akcijski%20plan%20za%20prevenciju%20nasilja%20u%20skolama%20za%20razdoblje%20od%202020.%20do%202024.%20godine.pdf> ) that stresses that issues of violence in schools are not only in the domain of the education system, so there is a need for cross-sectoral cooperation of all relevant bodies in order to prevent various forms of violence in schools, such as Ministry of Justice, Ministry of Internal Affairs, Ministry of Labour, Pension System, Family and Societal Policy, Ministry of Health and laws that belong accordingly. One of the goals of the Action Plan is to improve the quality of school programs for prevention of violence in schools.

**D. Freedom of association and peaceful assembly**

Republic of Croatia stimulates active **child participation**, that is especially present in local communities, supported by civil society organizations. It is important to mention the work of the association “Our children” and their project "Active children's participation in the local community - work of Children's councils" as a continuation of many years of activities of this association and local communities to improve the active participation of children. An example of good practice in encouraging and practicing children's participation in local communities is the Action "Cities and Municipalities - Friends of Children" whose leaders are the Association of Societies Our Children of Croatia and the Croatian Society for Preventive and Social Pediatrics under the auspices of the UNICEF Office for Croatia. The aim of the Action is to motivate adults in Croatian cities and municipalities to more fully realize the rights and needs of children recognized in the Convention on the Rights of the Child.

**VIII. Family environment and alternative care**

Centers for social welfare participate in the implementation of addiction prevention programs, most often at the level of selective and indicated prevention, which are aimed at risk groups of children and youth and their families. Family centers have an important role in the implementation of prevention programs, with prevention programs aimed at strengthening and supporting the preventive role of the family, but also the development of life skills and prevention of risky behavior of children and youth. In addition, some Centers for social welfare and Homes for children without parental care and orphanages have implemented or participated in the implementation of other prevention programs aimed at preventive work with children and youth at risk and work with their family members, especially parents and caregivers and educators.

**X. Education, leisure and cultural activities**

In accordance to Law on Education in Primary and Secondary School (Zakon o odgoju i obrazovanju u osnovnoj i srednjoj školi, Narodne novine, br. 87/08, 86/09, 92/10, 105/10, 90/11, 5/12, 16/12, 86/12, 126/12, 94/13, 152/14, 07/17, 68/18 i 98/19), an unacceptable student behavior is described as breach of duty, failure to fulfill obligations, and violent student behavior. The same law imposes on school institutions the obligation to ensure equal educational opportunities for all students, the right to advice and assistance in solving problems, to educational support and professional treatment of students with behavioral problems. Issues of violence in schools are not only in the domain of the education system, so there is a need for cross-sectoral cooperation of all relevant bodies in order to prevent various forms of violence in schools. School institutions are obliged to monitor social problems and phenomena in students and take measures to eliminate their causes and consequences and protect the rights of students, in cooperation with social services. The mentioned law also prescribes the obligation to implement and evaluate school prevention programs and the obligation to implement pedagogical measures in the best interest of students.

**XII.C. Protection of children in armed conflict, migration and other vulnerable situations**

Protocol on the treatment of unaccompanied children has a goal to introduce uniform practice of all competent bodies and institutions in the Republic of Croatia for protection of best interest of a child, as well as for clear defining the obligations of all participants in the treatment of unaccompanied children, that shows good cooperation of all competent authorities in the treatment of unaccompanied children.