

Croatia

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Croatia are unavailable.¹³⁷¹ Children are employed in the hospitality, retail, industrial, construction, and media (film and reality television) sectors. Roma children reportedly are vulnerable to exploitation in begging and in the agricultural sector, and officials reported handling 28 cases of child pornography.¹³⁷² Child labor is one of many problems associated with poverty. In 2001, less than 2 percent of the population of Croatia was living on less than USD 1 a day.¹³⁷³ Reports indicate that Croatia is primarily a transit country and, to a limited extent, is also a source and destination country for trafficking of children for commercial sexual exploitation.¹³⁷⁴

Education is free and compulsory in Croatia.¹³⁷⁵ The Elementary Education Law (1990) requires 8 years mandatory education for children to begin at 6 years of age.¹³⁷⁶ Children generally complete compulsory education at age 14; however, most Croatian children remain in school until age 18.¹³⁷⁷ In 2002, the gross primary enrollment rate was 97 percent, and the net primary enrollment rate was 89 percent.¹³⁷⁸ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Croatia.¹³⁷⁹ In general, ethnic Roma children face many obstacles to continuing their schooling, such as discrimination in schools and lack of family income to continue studies.¹³⁸⁰

¹³⁷¹ This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

¹³⁷² U.S. Embassy- Zagreb, *reporting*, August 2006 based on Ministry of Justice, August 2005 and State Attorney's Office, August 2006.

¹³⁷³ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

¹³⁷⁴ U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm>. See also UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe: 2003 Update on Situation and Responses to Trafficking in Human Beings in Croatia*, November 2003, 124 and 131; available from http://www.osce.org/documents/odihhr/2003/12/1645_en.pdf.

¹³⁷⁵ *Constitution of the Republic of Croatia*, (December 1990, as amended on April 2, 2001), Article 65; available from http://www.oefre.unibe.ch/law/icl/hr00000_.html.

¹³⁷⁶ Embassy of the Republic of Croatia to the U.S., Report for the period until 2003, made by the Government of the Republic of Croatia, in accordance with article 22 of the Constitution of the International Labour Organization, on the measure taken to give effect to the provision of the Worst Forms of Child Labour Convention, 1999 (No. 182), letter to USDOL official, 2004, 17. See also UNESCO, *Education for All 2000 Assessment: Country Reports-Croatia*, prepared by Ministry of Education and Sport, pursuant to UN General Assembly Resolution 52/84; available from <http://www2.unesco.org/wef/countryreports/croatia/contents.html>.

¹³⁷⁷ U.S. Department of State, *Country Reports on Human Rights Practices - 2004: Croatia*, Washington, DC, February 28, 2005, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2005/61642.htm>.

¹³⁷⁸ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

¹³⁷⁹ This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

¹³⁸⁰ U.S. Department of State, *Country Reports - 2004: Croatia*, Section 5.

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 15 years, and children ages 15 to 18 may only work with written permission from a legal guardian. Children under age 15 may work or participate in artistic or entertainment functions (such as making movies) with special permission from the parent or guardian and the labor inspector, assuming that the work is not harmful to the child's health, morality, education, or development.¹³⁸¹ The minimum work age is enforced by the Ministry of Economy, Labor, and Entrepreneurship (MELE).¹³⁸² According to stipulations in the Labor Law and the Occupational Safety and Health Act, children under age 18 are prohibited from working overtime, at night, under dangerous labor conditions, or in any other job that may be harmful to a child's health, morality, or development. More specifically, children under age 18 are prohibited from working in bars, nightclubs, and gambling establishments.¹³⁸³ The corporate fine for employing an underage person unlawfully is USD 9,870 to 16,181, and executives in the corporation may be fined individually USD 1,133 to 1,618.¹³⁸⁴ The Family Law contains provisions for the protection of the rights and welfare of children.¹³⁸⁵ The Children's Ombudsman coordinates government efforts to promote and protect the interests of children and is obligated to report any findings of exploitation to the State's Attorney's Office.¹³⁸⁶ The Constitution prohibits forced or bonded labor,¹³⁸⁷ and the Criminal Code bans individuals from forcing children to beg.¹³⁸⁸ The minimum age for conscription into the military is 18.¹³⁸⁹

The worst forms of child labor may be prosecuted under different statutes in Croatia. The Criminal Code outlaws international prostitution, including solicitation of a minor, and prohibits procurement of minors

¹³⁸¹ *Croatia Labour Act of 2004 (No. 137/2004)*, Articles 21-22. In 2004, 14 children between the ages of 16 and 18 were found to be working without the written consent of their legal representatives. Labor inspectors also determined that 11 children under the age of 15 were working in the film industry or in theater in 2004, although no requests were made to the State Inspectorate for approval of employment of these minors. See U.S. Embassy-Zagreb, *reporting*, August 26, 2005.

¹³⁸² U.S. Department of State official, email communication to USDOL official, September 9, 2004.

¹³⁸³ *Croatia Labour Act of 2004*, Articles 23 and 41. See also Government of Croatia, *Safety and Health Protection at the Workplace Act*, 1996, (June 28, 1996), Section 40; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/45063/65037/E96HRV01.htm>. See also Government of Croatia, *Regulations concerning jobs at which a minor may not be employed and jobs at which a minor may be employed after the prior determination of the minor's health capacity (Official Gazette No. 59/02)*, as cited in ILO Committee of Experts, *Direct Request on the Worst Forms of Child Labour Convention, 1999 (No. 182) Croatia (ratification: 2001)*, [online] [cited June 18, 2005]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>. The Regulation on Jobs with Special Working Conditions (Official Gazette No. 05/84) provides a comprehensive list of types of hazardous work that children under 18 are prohibited from performing. See ILO Committee of Experts, *Direct Request (No. 182): Croatia*. In 2004, labor inspectors documented 12 minors working overtime and 29 working at night. Six minors received serious injuries through their work in construction and on industrial machines. See U.S. Embassy-Zagreb, *reporting*, August 26, 2005.

¹³⁸⁴ USDOL consultant, email communication to USDOL official, July 27, 2005. Article 248 of the Croatia Labour Act of 2004 sets the corporate fine at 61,000 to 100,000 Croatian Kuna and the fine for executives at 7,000 to 10,000 Croatian Kuna. For currency conversion, see FXConverter, [online] [cited October 24, 2005]; available from <http://www.oanda.com/convert/classic>.

¹³⁸⁵ Embassy of the Republic of Croatia to the U.S., Report for the period until 2003 on the measure taken (No. 182).

¹³⁸⁶ The Ombudsman has no legal authority to impose penalties but works closely with the police and the district attorney's office to follow-up on abuse allegations. See U.S. Embassy-Zagreb, *reporting*, August 27, 2004. See also ILO Committee of Experts, *Direct Request (No. 182): Croatia*.

¹³⁸⁷ *Constitution of the Republic of Croatia*, Article 23.

¹³⁸⁸ Government of Croatia, *Criminal Code*, Article 213(2), as cited in ILO Committee of Experts, *Direct Request (No. 182): Croatia*.

¹³⁸⁹ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, 2004, 231; available from http://www.child-soldiers.org/document_get.php?id=966.

for sexual purposes.¹³⁹⁰ The law also forbids using children for pornographic purposes. Article 178 (1) of the Criminal Code indicates that international prostitution pertains to, “[w]hoever tempts, recruits or instigates the other person to provide sexual services for profit in a country other than the one whose resident or citizen that person is,” and Article 178 (2) indicates, [w]ho compels another person by using physical force, or induces that person using threats, or by deceit to go to a country other than the country of that person’s residence or citizenship, to provide sexual services for money...”¹³⁹¹ In July 2004, the Criminal Code was amended, introducing the trafficking of persons as a separate criminal act with a minimum prison sentence of 5 years when a child or a minor is involved.¹³⁹² Since 1999, the Government of Croatia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.¹³⁹³ The Children’s Council within the State Institute for the Protection of the Family monitors and promotes the application of the Convention on the Rights of the Child.¹³⁹⁴

In 2005 the Labor Inspectorate reported one case in which a minor was employed in a job potentially threatening to his health at a construction site; confirmed three cases of under-age persons working in jobs with “special conditions,” a violation of Article 40 of the Law on Safety at Work; and confirmed 14 children under age 15 and 21 between the ages of 15 and 18 were working after 7 p.m. in a theater production, also a violation. Labor inspectors also reported 107 cases of minors (77 female, 30 male) illegally working the night shift in restaurants, stores, industry, kitchens and bakeries. In all cases the owners were charged with violations under the Labor Law and ordered to stop hiring minors for night work.

Children begging in the streets is common year round and more apparent before holidays. The Ministry of Interior reported that from Jan. 1, 2001 to Dec. 31, 2003 (the most current numbers available), there were 219 cases of children begging and 126 charges were filed against adults for begging with children. The Labor Inspectorate ordered the Ministry of the Interior and the Ministry of Health and Social Welfare to more stringently search for and process violators and called for better cooperation between social agencies and police.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Croatia has established a general child protection plan, under which the National Action Program for Children provides preventive and protective measures for children with regard to all types of sexual abuse, including commercial sexual exploitation.¹³⁹⁵ The government also adopted a National Plan of Action on Trafficking in November 2002 and is implementing it through a National

¹³⁹⁰ Per Article 178(3) of the Criminal Code, the penalty for international prostitution involving a child or minor is imprisonment for 1 to 10 years. The penalty for procuring a child is imprisonment for 1 to 8 years under Article 195(4). See Government of Croatia, *Criminal Code*, Articles 178 and 195, as cited in Interpol, *Legislation of Interpol member states on sexual offenses against children*, [online] [cited June 27, 2005]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaCroatia.asp>.

¹³⁹¹ The penalty for exploiting children or minors for pornographic purposes is imprisonment from 1 to 5 years. The penalty for exposing a child to pornography is a fine or imprisonment for up to 1 year. See Government of Croatia, *Criminal Code*, Articles 178, 196, and 197, as cited in *Ibid*.

¹³⁹² U.S. Embassy- Zagreb, *reporting*, August 27, 2005.

¹³⁹³ ILO-IPEC official, email communication, November 14, 2005.

¹³⁹⁴ Embassy of the Republic of Croatia to the U.S., Report for the period until 2003 on the measure taken (No. 182), 8-9.

¹³⁹⁵ *Ibid*.

Committee for the Suppression of Trafficking in Persons.¹³⁹⁶ In 2004, the government further adopted a National Strategy for the Suppression of Trafficking in Persons from 2005 to 2008 and an Operational Plan for the Suppression of Trafficking in Persons for 2005.¹³⁹⁷ Additionally, the government appointed an anti-trafficking coordinator and provided direct funds to implement the national plan.¹³⁹⁸

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	10/8/91	✓
Ratified Convention 182	7/17/01	✓
ILO-IPEC Member		
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan (Trafficking)		✓

The trafficking action plan calls for training programs for all professionals working with groups at high risk of trafficking, including children, and schools are to develop curricula on the issue.¹³⁹⁹ Since 2003, women and children taken into custody as illegal migrants are screened as potential trafficking victims,¹⁴⁰⁰ though the U.S. Department of State has indicated that failure to identify trafficking victims among illegal aliens remains a serious problem, resulting in an underestimation of those trafficked in Croatia.¹⁴⁰¹ Local Social Welfare Centers provides assistance to detainees suspected of being underage.¹⁴⁰² The government has established a shelter for victims of trafficking; IOM provides assistance and support to victims.¹⁴⁰³ The government also conducted in-service police training on trafficking-recognition, funded a national hotline for victims of trafficking and anti-trafficking awareness campaigns, and co-sponsored with several NGOs a number of prevention programs on the trafficking of persons.¹⁴⁰⁴

In June 2004, a working group on child trafficking was established.¹⁴⁰⁵ The Child Trafficking Prevention Program is being implemented by the Center for Social Policy Initiatives, a national NGO, in partnership with the Ministry of Labor and Social Welfare, the Ministry of the Interior, and IOM. Modules have been developed on child trafficking, child exploitation, sexual exploitation of children, child pornography, and other worst forms of child labor. Teachers have been trained to use the program, and a pilot project is underway in five elementary schools in Zagreb.¹⁴⁰⁶ The government also works with international organizations to assist trafficking victims and cooperates with other governments in the region.¹⁴⁰⁷ According to the Ministry of Justice, in 2004, there were 26 charges filed for the exploitation of children

¹³⁹⁶ UNOHCHR UNICEF, OCSE/ODIHR, Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe: 2004 - Focus on Prevention*, March 2005, 134-135; available from <http://www.unicef.org/ceecis/Trafficking.Report.2005.pdf>.

¹³⁹⁷ *Ibid.*, 134.

¹³⁹⁸ U.S. Department of State, *Trafficking in Persons Report*.

¹³⁹⁹ Unaccompanied children are recognized as a particularly vulnerable group needing special attention. See UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 126, 132-134. The IOM is heading a project to develop a preventative education module on counter-trafficking, in partnership with the Ministry of Education and local NGOs for high school students. See IOM, *High School Preventive Education on Trafficking in Human Beings in Croatia (HSPE)*, [online] 2004 [cited June 28, 2005]; available from <http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=HR1Z022>. See also UNICEF, *2004 Focus on Prevention*, 216.

¹⁴⁰⁰ This was reported in the National Committee for the Suppression of Trafficking in Persons, *Country Report – Croatia*, May 2003, as cited in UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 127-128.

¹⁴⁰¹ U.S. Department of State, *Country Reports - 2004: Croatia*, Section 5.

¹⁴⁰² UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 128.

¹⁴⁰³ U.S. Department of State, *Country Reports - 2004: Croatia*, Section 5. See also UNICEF, *2004 Focus on Prevention*, 215, 219, and 222.

¹⁴⁰⁴ U.S. Department of State, *Trafficking in Persons Report*. See also UNICEF, *2004 Focus on Prevention*, 213-223.

¹⁴⁰⁵ The working group includes representation from the National Human Rights Office, the Children's Ombudsman, Ministry of Interior; Ministry of Science and Education; Ministry of Health and Social Welfare; and the District's Attorney's Office. See U.S. Embassy- Zagreb, *reporting*, August 27, 2005.

¹⁴⁰⁶ UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 134.

See also UNICEF, *2004 Focus on Prevention*, 221.

¹⁴⁰⁷ UNICEF, *2004 Focus on Prevention*, 136-137 and 215.

used in pornographic media, and one individual was charged with trafficking in human beings and slavery.¹⁴⁰⁸ The State Attorney's Office reported 19 of those cases were closed in 2005 in which 16 resulted in convictions, two were found not guilty and one was dismissed. The office reported seven ongoing investigations.

Through 2007, Croatia is participating in a regional program implemented by ILO-IPEC on combating child labor in the Stability Pact Countries, with a special focus on the worst forms of child labor.¹⁴⁰⁹

The Office for National Minorities has a special program for the inclusion of Roma children in the education system in Croatia. According to the 2003 National Program for Roma, the primary obstacles to Roma access to primary school is a weak knowledge of the Croatian language. In response, the government has committed funding to support additional Croatian language teachers and pre-school instruction for Roma children.¹⁴¹⁰ A school feeding program is available to children.¹⁴¹¹ Croatia also initiated the program, "Decade of Roma Inclusion 2005-2015," to better document and aid the Roma minority community.

¹⁴⁰⁸ U.S. Embassy-Zagreb, *reporting*, August 26, 2005.

¹⁴⁰⁹ Participating countries are Albania, Bulgaria, Bosnia-Herzegovina, Former Yugoslav Republic, Croatia, Macedonia, Moldova, and Romania. See ILO- IPEC official, email communication, November 8, 2005.

¹⁴¹⁰ U.S. Embassy- Zagreb, *reporting*, August 27, 2005.

¹⁴¹¹ U.S. Department of State, *Country Reports - 2004: Croatia*, Section 5.