



PERMANENT MISSION OF THE REPUBLIC OF CROATIA
TO THE UNITED NATIONS OFFICE
G E N E V A

Initial Report of the Republic of Croatia on the Optional Protocol
to the Convention on the Rights of the Child on the Involvement of Children
in Armed Conflict

Introductory Statement
by

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Charge d 'Affaires
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Chairperson,
Distinguished Members of the Committee,
Ladies and Gentlemen,

It is an honour and a great pleasure for me and my colleagues here to attend this meeting on behalf of the Government of the Republic of Croatia. I would like to thank the **UN Committee on the Rights of the Child** for the opportunity to open the dialog regarding the implementation in the Republic of Croatia of the **Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict**. Allow me to briefly present our delegation:

- **Ms. Marina Jurić Matejčić**, Head of International Law Section, Legal Department, Ministry of Defence of the Republic of Croatia
- **Ms. Sunčica Blažević**, Deputy County State Attorney assigned to work in the State Attorney Office of the Republic of Croatia,
- **Ms. Dubravka Hrabar**, Chief of Family Law Department, Faculty of Law, University of Zagreb,
- **Ms. Romana Kuzmanić Oluić**, Counsellor, Human Rights Department, Ministry of Foreign Affairs and European Integration of the Republic of Croatia

and myself, **Branko Sočanac**, in the capacity of the Head of Delegation and *Charge d' affaires*, Permanent Mission of the Republic of Croatia to the United Nations in Geneva.

On behalf of my delegation I would also like to welcome all the other participants attending today.

Before presenting the concrete situation in Croatia, allow me to first underline the importance of the work that the **Committee on the Rights of the Child** has been doing. At its first session in 1991, the Committee recognised the necessity of raising the protection of children in armed conflicts to the minimum age of 18 years. This was very important because it was an early commitment that served as a basis for all the later efforts towards strengthening the Convention's provisions, including the adoption of the Protocol as a new legal instrument.

I would also like to underline the importance of the Protocol's provisions that have additionally affirmed:

- the standards from the **ILO Convention 138 – Minimum Age Convention** and **the ILO Convention 182 - Worst Forms of Child Labour Convention**, and
- the **ICRC 1995 Plan of Action** to promote the principle of non-recruitment and non – participation in armed conflict of children under the age of 18 years.

Distinguished members of the Committee,

I will now come to the situation in the Republic of Croatia.

I would first like to inform you about the general background concerning child issues in my country.

- At the Committee session held in Geneva on September 20, 2004, the Republic of Croatia presented its **Second Periodical Report** concerning the implementation of the **Convention on the Rights of the Child**. Based on this Report and the discussion that followed, the Committee issued recommendations for further advancement of the promotion and protection of children's rights in the Republic of Croatia. The Republic of Croatia will inform the Committee in detail on the achieved progress in its next report which is due in 2008.

In the meantime, I would like to stress that these recommendations were widely disseminated and became the key guidelines in drafting the new **National Plan of Activities for the Rights and Interests of Children 2006-2012**.

- On the international level the Republic of Croatia became a member of the **Executive Board of UNICEF** for the period 2007-09. This membership gives us the opportunity to broaden the range of our activities, particularly regarding the presentation of our legislation and practice in the field of the protection of children's rights.

- In addition, the Republic of Croatia prepared the "**Plus 5**" - **Review of the 2002 Special Session on Children and World fit for Children Plan of Action** and is looking forward to the UN General Assembly Special Session in December this year when the UN Secretary General's Report will be presented.

With regard to the new international instruments that could partly concern the protection of the children, we would like to emphasize that the Republic of Croatia:

- was among the first countries to sign the **UN International Convention for the Protection all Persons from Enforced Disappearance** the ratification process of which will begin soon; and
- was also one of the countries that signed and ratified **the International Convention on Rights of Persons with Disabilities** having included most of its principles in our **National Strategy** in this area.

The **Defence Act**(April 2002) with all the provisions mentioned in the Report entered into force before the ratification of the Protocol by the Republic of Croatia. This is important to mention, because the substance of the Protocol has been harmonised with the existing domestic legislation before its ratification. The Law includes the key aims of the Protocol, notably, the minimum age of 18 years for conscription and participation in direct hostilities.

Furthermore, the recent amendments to the Defence Act which were adopted in July 2007, after the Protocol entered into force for the Republic of Croatia, are very important. They provide, at the proposal of the Government and the prior approval of the commander-in-chief, Croatian Parliament with the possibility to decide not to call recruits to the compulsory military service. Consequently, only the recruits who opt for service could be called to voluntary military service (until the end of the calendar year in which they reach the age of 30). In the time of war or an immediate threat to the country, the decision concerning the suspension of compulsory military service is not applicable. Voluntary military service can also apply to women, in which case they would be conscripted.

Allow me to stress that those new provisions are a step forward towards fulfilling the aspiration of the Republic of Croatia to professionalize its Army in accordance with NATO standards. Moreover, they represent a real contribution towards a practical implementation of the Protocol in the Republic of Croatia ensuring that the country stays on the right track to achieve the best possible level of comprehensive protection of children in armed conflict.

Distinguished members of the Committee,

In relation to Article 4 of the Protocol (which obliges State Parties to prohibit and make criminal the practice of armed groups distant from the armed forces of a State to recruit or to use in hostilities persons under the age of 18), we would like to mention that in the Republic of Croatia there is no legal possibility for the operation of armed groups that are distant from the armed forces, and that their activities are not registered in practice. Currently in our legislation such activity of armed groups is not envisaged as a criminal act. However, the Croatian Criminal Code prohibits and strongly punishes the practice of recruiting children in national Armed Forces or using them in direct hostilities in the time of war, armed conflict or occupation.

The Republic of Croatia is also party to the **International Convention against the Recruitment, Use, Financing and Training of Mercenaries**. Upon the ratification of this Convention, the Republic of Croatia has amended its Criminal Code which we described in detail in our reply to the additional questions of the Committee.

Ladies and Gentlemen,

After all that has been said in our Report, and in the answer to the Committee's additional questions concerning the measures taken by the Republic of Croatia towards the prohibition of the conscription of children and making them members of armed forces, allow me to make two additional points:

Firstly,

- conscripts in Croatia cannot be deployed to peace operations abroad according to the **Law on Participation of Members of the Croatian**

Armed Forces, Police, Civil Protection and Civil Servants in Peacekeeping Operations and the Other Activities Abroad,

and secondly,

- protection is guaranteed by the fact that there is no provision in Croatian law authorizing the lowering of conscription age under any exceptional circumstances. We consider this to be of special importance because it shows our clear commitment to the obligations contained in the Protocol.

In relation with the recruitment issue in practice, allow me to mention some basic elements of information. Local recruitment offices, following the relevant data of the Ministry of the Interior, enter recruits into the registry and summon recruits through general or individual summons to report personally and at the time and place determined in the summons. It is important to stress that the person that has been summoned is obliged to carry a personal ID card or other valuable document which enables the identification and especially verification of age of the summoned person. This represents a practical obstacle for any person under the age of 18 who might have the intention to join the Armed Forces of the Republic of Croatia.

Persons staying abroad are not summoned, but are signed into the registry on the basis of the data received from Croatian diplomatic missions and consular offices abroad.

Ladies and gentlemen,

I would particularly like to stress that the Republic of Croatia, in accordance with Article 3 paragraph 5 of the Protocol, has no high schools operated by or under the control of the armed forces. Nevertheless, according to the **Law on the Service in the Armed Forces of the Republic of Croatia** a conscript is also a cadet who is defined as "a person educated at a military school under a contract of education". It means that a cadet is a person of age and that he/she is educated at the colleges for the requirement into the Croatian Armed Forces.

Allow me also to stress the importance of the education process of all those responsible for the recruitment. Every member of the armed forces is educated in the field of International Humanitarian Law (IHL), the law on armed conflict and on human rights which include children's rights.

With regard to the dissemination and the implementation of the Protocol, I will begin by saying that the Republic of Croatia signed and ratified the Optional Protocol in 2002, two years after its adoption in the UN General Assembly. The text of the Protocol was published in the Official Gazette (International Agreements No. 5/02 and its text in Croatian and English is available on the web site). According to our Constitution, the international agreements which are ratified by the Republic of Croatia are part of the internal legal order and take precedence over domestic laws. This is also important in the context of the Protocol, since it allows the Protocol to be

implemented directly in Croatia. Moreover, Croatian Courts also rule on the basis of international agreements, as stipulated in the Law on Courts.

Ladies and gentlemen,

The Republic of Croatia, as a country that experienced war and its horrors in the 90s is motivated enough to advocate in favour of the global efforts against the practice of recruiting child soldiers in some countries. This practice represents the worst form of child exploitation and it is in direct violation of the conventional principle of the best interest of the child as well as of many other rights such as a right to be within a family and a right to life. We all have to bear in mind that according to the **Rome Statute of the International Criminal Court** the recruitment of children under the 15 years of age is a war crime.

In conclusion, I would like to express our sincere hope that this Committee with all its valuable and dedicated work (elaboration of reports and issued recommendations) will assist every country in the effort to put an end to the recruitment of children and their participation in direct hostilities.

Thank you very much for your attention.