



**PERMANENT MISSION OF THE REPUBLIC OF CROATIA
TO THE UNITED NATIONS OFFICE
GENEVA**

HUMAN RIGHTS REGISTRY H.C. 4000	
29 OCT 2004	
ACTION	SPB
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<input type="checkbox"/>	ACKNOWLEDGED
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No. 156/04

The Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit the Note of the Ministry of Foreign Affairs of the Republic of Croatia regarding the CHR Resolution 2004/48 on the "Rights of the Child", requesting the Special Rapporteur on the sale of children, child prostitution and child pornography to present a report to the Commission

The Permanent Mission of the Republic of Croatia avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 29 October 2004

**OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
GENEVA**



**REPUBLIC OF CROATIA
MINISTRY OF FOREIGN AFFAIRS
DIVISION FOR MULTILATERAL AFFAIRS AND INTERNATIONAL
ORGANISATIONS
DEPARTMENT FOR HUMAN RIGHTS**

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No. 6014/04

The Ministry of Foreign Affairs of the Republic of Croatia presents its compliments to the Office of the United Nations High Commissioner for Human Rights and pursuant to the Commission on Human Rights Resolution 2004/48 on the "Rights of the Child", requesting the Special Rapporteur on the sale of children, child prostitution and child pornography to present a report to the Commission, has the honour to provide information as follows:

The Republic of Croatia follows international standards in the protection of the rights of the child, as supported by the many key international instruments for the protection of the right of the child ratified by Croatia. In 1996, the Republic of Croatia faced the issue of child pornography on the Internet for the first time, when the first such case was noted.

With regard to the legislative framework for the protection of children from being sold, prostituted and used for pornography, we note the following:

The Law on the Amendments to the Criminal Code of the Republic of Croatia (Official Gazette of the Republic of Croatia No. 110/97, 27/98, 129/00, 15/01 and 105/04) entered into force on 1st October 2004.

The Republic of Croatia, as a signatory to the Convention on the Rights of the Child, and the Convention on Cyber Crime, has introduced in its criminal legislation, in addition to the already sanctioned criminal offences mentioned in Article 196 "Using children and minors for pornography" and Article 197 "Introducing children to pornography", the following criminal offences:

"Child pornography on a computer system or network" (Art.197.a) (Art. 34 of the Convention). This provision prescribes that the perpetrator who uses a computer to produce, offer, distribute, obtain for himself or another, or who forwards pornographic content which show children or minors in sexually explicit behaviour or which focus on their sex organs, shall be sentenced to prison from one to ten years. Likewise, the perpetrator who makes available to a child pictures, AV content and other items with pornographic content, shall be fined or sentenced to prison up to three years.

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In addition, criminal offences (cyber crime) have been introduced with a view to punishing the perpetrator of criminal offences committed on the Internet which constitute:

1. "Violation of confidentiality, integrity and availability of computer data, programmes or systems", to sanction unauthorised access to a computer system, preventing or frustrating the use of computer data, and damaging or destroying the computer data of others. It also sanctions recording a non-public transmission of computer data, as well as unauthorised production, distribution and sales of various means for committing criminal offences. The punishment within the scope of this offence reaches from a fine to a three or five year prison sentence.

2. "Computer forgery" to sanction unauthorised production, modification or destruction of computer data relevant to legal relations, plus unauthorised production and sales of various means which facilitate committing criminal offences.

There is also an aggravated form of the two criminal offences mentioned, in case the damage is inflicted to the national authorities or a public institution, or in case of generally inflicted substantial damage, for which a five year prison sentence is prescribed.

3. "Computer embezzlement" to sanction the intention of obtaining illegal gains by inflicting damage to another person, for which a prison sentence of up to five years is prescribed.

In all three criminal offences mentioned above, unauthorised production, distribution and sales of various means for committing criminal offences are also sanctioned, and such means shall be seized and the attempted offence punished, too.

For the sake of harmonisation with the UN Convention on Transnational Organised Crime, and its two Additional Protocols, Article 175 of the Criminal Code titled "Trafficking in Human Beings and Slavery" (Art. 35 of the Convention) has been amended. The aggravated form of this criminal offence is committed by anyone trafficking in children or minors, for which such a person may be sentenced to a minimum of five years in prison. If such a criminal offence has been committed within a group or a criminal organisation, or if it has been committed against more than one person or has caused the death of one or more persons, the perpetrator shall be sentenced to a minimum of five years in prison or to a long prison term.

The criminal offence of "Illegal transfer of persons across the state border" has been harmonised with the Protocol against Smuggling Migrants by Land, Sea or Air, and it is considered that, having also sanctioned "International prostitution", the Republic of Croatia has this area well covered in terms of legislation.

In 1999, the Government of the Republic of Croatia also adopted the "National Action Plan for Children in the Republic of Croatia" with a view to protecting children from all forms of abuse, including the child pornography on the Internet.

With regard to suppressing cyber crime in practice, related to the protection of the rights of the child, we note the following:

Within the police jurisdiction, the issue of child pornography on a computer system or network is dealt with by the Section for Cyber Crime and the Protection of Intellectual

Property of the Ministry of the Interior, established in 2002, with branches in all Police Departments throughout the Republic of Croatia employing officers specialised in suppressing computer crime. Excellent cooperation has been established with all Internet providers in the Republic of Croatia for quick and efficient checks of IP addresses suspected of possessing or distributing child pornography.

Until June 2004, criminal charges have been brought against roughly a hundred persons in the Republic of Croatia for possessing or distributing pornography on the Internet, and the police have supplied information to other countries about more than 600 persons who possessed or distributed child pornography on the Internet.

The media in the Republic of Croatia approach the issue of child pornography on the Internet from a proper angle, warning of its danger and providing information about the content and dangers facing minors on the Internet.

In addition to the media, these issues are also being dealt with by many civil associations.

The Ministry of Foreign Affairs of the Republic of Croatia avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

