

## Child-Friendly Justice – Croatian Perspective

Ivana KUNDA, Martina SMOJVER

### ABSTRACT

The level of ‘child-friendliness’ of justice systems in different countries may greatly vary. In Croatia, rights of the child are guaranteed under the Constitution of the Republic of Croatia. In addition, a great deal of provisions ensuring rights of children in civil, criminal and administrative court proceedings may be found in different legal acts. These rules only add to the broader framework provided by the relevant supranational instruments. Irrespective of the many benefits this system has for children, there is still room for improvement in practice by introducing new communication methods and technical means, as well as continuous education. This national report provides an overview of the general legislative framework on the participation and the rights of the child in proceedings before the courts in Croatia. In addition to the general rules provided by international and EU instruments, as well as the Constitution, it details the existing rules on the participation of children in civil, criminal and administrative proceedings before courts. Additionally, it offers a glimpse into other ways of promoting children’s rights of participation in Croatia, particularly through different activities of the Office of the Ombudsman for Children.

### KEYWORDS

rights of the child; participation of children in court proceedings; civil court proceedings; criminal court proceedings; administrative court proceedings

### 1. General Legislative Framework

The participation and the rights of the child in proceedings before Croatian courts are, in addition to the applicable instruments at the international and European level, guaranteed under multiple national legal instruments. Being the fundamental legal source of Croatian law, the Constitution of the Republic of Croatia<sup>1</sup> provides the legal framework for the interpretation of all Croatian legislation and other legal instruments.<sup>2</sup> Provisions relevant to the rights of the child at the constitutional level, are

1 Ustav Republike Hrvatske (Constitution of the Republic of Croatia), Official Gazette 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14 (2014).

2 Šarčević et al., 2011, p. 30.

Ivana Kunda, Martina Smojver (2025) ‘Child-Friendly Justice – Croatian Perspective’ in Benyusz, M., Zombory, K., (eds.) *Child-Friendly Justice. The Participation and the Rights of the Child in Court Proceedings From a Central European Comparative Perspective*. Miskolc–Budapest: Central European Academic Publishing, pp. 23–42. [https://doi.org/10.71009/2025.mbkz.cfj\\_1](https://doi.org/10.71009/2025.mbkz.cfj_1).

contained in Chapter III, titled “Protection of Human Rights and Fundamental Freedoms”. While the Constitution explicitly mentions the rights of the child in general,<sup>3</sup> it remains silent as to the child’s participation rights in court proceedings. Regardless of the lack of explicit mention, the rights of the child to participate in court proceedings are considered constitutionally guaranteed. This is because the rights of the child, in general, are a subtype of human rights whose legal protection is guaranteed under the Constitution. Especially relevant in terms of participation rights and access to justice is Article 29 of the Constitution, which provides that ‘everyone has the right to have an independent and impartial court established by law decide fairly and within a reasonable time on his/her rights and obligations, or on suspicion or accusation of a criminal offence’.<sup>4</sup> This provision serves as a guarantee of access to court to all persons – including children.

International conventions and treaties also form an important part of the Croatian legislative framework.

‘International agreements that have been concluded and confirmed in accordance with the Constitution and made public, and which are in force, shall be part of the internal legal order of the Republic of Croatia, and shall be by their legal force above statutes. Their provisions may be changed or repealed only under the conditions and in the manner specified therein, or in accordance with the general rules of international law.’<sup>5</sup>

Thus, international conventions and treaties to which Croatia is a party represent an important source of law and form part of the internal legal order – hierarchically below the Constitution and above the statutes. Croatia is a signatory of the UN Convention on the Rights of the Child,<sup>6</sup> which, inter alia, guarantees the participation rights of children. Croatia is also a signatory to the European Convention on Human Rights (ECHR)<sup>7</sup> and the European Convention on the Exercise of Children’s Rights,<sup>8</sup> as well as other conventions relevant to this matter.

Thus, Croatian national legal instruments reflect the need to ensure the well-being and interests of the child. Generally, the child’s rights of participation can be exercised in any court proceedings, whether civil, criminal, or administrative. This will be done primarily through representation by legal representatives and the right to be heard, i.e. express one’s opinions and views. The particularities of the child’s rights

3 For example, the Croatian Constitution provides that ‘The family shall enjoy the special protection of the State’ (Art. 62 para. 1 of the Constitution); ‘The State shall protect maternity, children and young people ...’ (Art. 63 of the Constitution); ‘It is everyone’s duty to protect children ...’ (Art. 65 para. 1 of the Constitution); etc.

4 Art. 29 para. 1 of the Constitution.

5 Ibid., Art. 134.

6 United Nations, 1989 in accordance with Art. 49.

7 Council of Europe, 1950.

8 Council of Europe, 1996.

of participation will thus be visible, in a more explicit manner, in the specific national statutes. Most significant in that regard is the Croatian Family Act,<sup>9</sup> which regulates all matters involving the rights of the child, such as relations between parents and children, measures to protect the rights and well-being of the child, adoption, guardianship, alimony, mandatory counselling, family mediation, and procedures related to family relations and guardianship. The Family Act currently in force, along with its previous versions, has been drafted based on multiple international legal instruments which regulate the procedural rights of the child, such as the aforementioned UN Convention on the Rights of the Child, the European Convention for the Protection of Human Rights, and the European Convention on the Exercise of Children's Rights, and also the European Convention on Contact concerning Children,<sup>10</sup> the Hague Child Protection Convention,<sup>11</sup> the Hague Child Abduction Convention,<sup>12</sup> the Treaty of Lisbon,<sup>13</sup> the Charter of Fundamental Rights of the European Union,<sup>14</sup> the Brussels II ter Regulation,<sup>15</sup> the General Comment No. 12 of the UN Committee on the Rights of the Child,<sup>16</sup> the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice,<sup>17</sup> etc.<sup>18</sup>

A core provision for the protection of the rights of children in the Family Act is contained in its Article 5. This provision explicitly obliges courts and other competent bodies to protect the rights of children in court proceedings. Moreover, this provision represents an interpretative rule and, thus, obliges the courts to protect the rights and well-being of the child, regardless of whether the rights of the child are directly or indirectly impacted by a particular procedure.<sup>19</sup>

In addition to the Family Act, special provisions regulating the participation rights of children in court proceedings can also be found in the Criminal Procedure Act<sup>20</sup> and Juvenile Courts Act,<sup>21</sup> in terms of criminal proceedings, and in the Civil Procedure Act,<sup>22</sup> generally in terms of civil court proceedings. Finally, in administrative proceedings, not many rules on the participation and other rights of children are

9 Obiteljski zakon (Family Act), Official Gazette 103/15, 98/19, 47/20, 49/23, 156/23.

10 Council of Europe, 2003.

11 Hague Conference on Private International Law, 1996.

12 Hague Conference on Private International Law, 1980.

13 European Union, 2007.

14 European Union, 2000.

15 Council of Europe, 2019.

16 United Nations, 2009.

17 Council of Europe, 2011.

18 Šantek and Parać Garma, 2016, p. 34.

19 Poretti, 2019, p. 73.

20 Zakon o kaznenom postupku (Criminal Procedure Act), Official Gazette 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, 130/20, 80/22.

21 Zakon o sudovima za mladež (Juvenile Courts Act), Official Gazette 84/11, 143/12, 148/13, 56/15, 126/19 (2020).

22 Zakon o parničnom postupku (Civil Procedure Act), Official Gazette 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 96/08, 123/08, 57/11, 148/11, 25/13, 89/14, 70/19, 80/22, 114/22, 155/23.

offered in the relevant legislative acts. The only specific reference to the participation of minors in administrative procedure can be found in the General Administrative Procedure Act,<sup>23</sup> where it states, ‘When the witness is a minor, he/she will be heard in the presence of a legal representative’.<sup>24</sup> However, the general rules on the right to participate in court proceedings should be applied here as well.

## 2. Participation of the Child in Court Proceedings

In order to understand the functioning of the right of the child to participate in a court proceeding, three types of capacities must first be differentiated: personal capacity (*pravna sposobnost*), legal capacity (*poslovna sposobnost*), and litigation capacity.

Children are, as any other natural and legal persons, capable of bearing rights and obligations. The personal capacity to bear rights and obligation (*pravna sposobnost*) is acquired by all persons at birth.<sup>25</sup> On the other hand, children under eighteen years, i.e. minors, do not have legal capacity (*poslovna sposobnost*), which is acquired *ex lege* upon reaching the age of majority (the age of eighteen).<sup>26</sup> Thus, minors cannot create legal effects by own declarations of will. Instead, they need to have legal representatives or guardians who will express the will of a minor on their behalf.

There is an exception to the general rule on legal capacity. It relates to situations where a minor has gotten married before turning eighteen, which in itself is an exception too since marriage generally cannot be concluded by a person who has not reached the age of eighteen.<sup>27</sup> However, the court may exceptionally permit a person who has reached the age of sixteen to marry if he/she is ‘mentally and physically mature for marriage’ and ‘the marriage is in accordance with the well-being of that person’.<sup>28</sup> If such marriage is concluded by a child of sixteen or seventeen, that child will acquire legal capacity *ex lege* from the moment the marriage is concluded.<sup>29</sup> Under the old Family Act, the law provided for another exception to the general rule on legal capacity, which related to a mentally mature minor that became a parent before turning eighteen.<sup>30</sup> To be precise, in situations when a child was born to minors of the age of sixteen or seventeen, the acquisition of legal capacity was decided by a court at the request of the minor, in accordance with the opinion of the Social Welfare Centre (now renamed and restructured as the Croatian Institute for Social Work), and taking

23 Zakon o općem upravnom postupku (General Administrative Procedure Act), Official Gazette 47/09, 110/21.

24 General Administrative Procedure Act, Art. 64 para. 8.

25 Zakon o obveznim odnosima (Obligations Act), Official Gazette 35/05, 41/08, 125/11, 78/15, 29/18, 126/21, 114/22, 156/22, 155/23, Art. 17(1).

26 Art. 18 of Obligations Act.

27 Art. 25 para. 1 of Family Act.

28 Ibid., Art. 25 para. 2.

29 Ibid., Art. 117 para. 2.

30 Šarčević et al., 2011, p. 58.

into account also the mental maturity of the minor.<sup>31</sup> However, this was abandoned and is no longer available under the Family Act currently in force.

It is important to note that legal capacity may also be partial – the court may partially divest a person of his/her legal capacity due to reasons of mental disorders or generally when a person is not able to look after his/her personal needs, rights, and interests.<sup>32</sup> In those cases, a person partially divested of his/her legal capacity may still perform some actions; actually, he/she can perform all acts except the ones enumerated in the court's decision.<sup>33</sup> Exceptionally, the court can also divest a person of his/her legal capacity in full – in such cases, the person may not perform any acts for which such capacity is needed.<sup>34</sup>

A person who has full legal capacity may perform actions in the court proceedings on his/her own, i.e. he/she has litigation capacity (*parnična sposobnost*).<sup>35</sup> Thus, litigation capacity may be defined as a person's ability to influence the course of court proceedings through his/her conscious expressions of will.<sup>36</sup> If a person lacks litigation capacity, he/she will not have a procedurally nor legally relevant will; such person is incompetent to litigate and will have to be represented by someone who will undertake procedural actions on his/her behalf.<sup>37</sup> It follows that, in the majority of the cases, children under the age of eighteen will not have litigation capacity, as they will not have the legal capacity either. Thus, their participation in court proceedings will be affected by means of representation. Lack of the child's legal (and litigation) capacity does not affect the child's right to be heard, i.e. the child will have to be given the opportunity to express his/her opinions and testify before the court, depending on his/her age and maturity. This is so because a person participating in the court or other proceedings for the purpose of providing relevant information does not require legal or litigation capacity.<sup>38</sup> The specific form of child's access to court, i.e. representation and right to be heard, as well as some special forms of legal capacity, are regulated in more detail by the relevant international legal instruments and national statutes for different areas of court proceedings – civil, criminal, and administrative. The special rules applicable to each of the different areas of court proceedings are presented below.

### **2.1. Civil Court Proceedings**

As explained above, access to court is guaranteed for all children under eighteen years old. The access to court is reflected in two aspects: representation and the right to be heard.

31 Uzelac and Rešetar, 2009, p. 170.

32 Šarčević et al., 2011, p. 58.

33 Art. 234 of Family Act; see: Šarčević et al., 2011, p. 58.

34 Art. 234 para. 2 of Family Act.

35 Art. 79 para. 1 of Civil Procedure Act.

36 Uzelac and Rešetar, 2009, p. 166.

37 Ibid.

38 Ibid., p. 175.

### 2.1.1. Representation

As stated in the Croatian Civil Procedure Act, any natural or legal person can be a party to the proceedings.<sup>39</sup> However, given that children under eighteen years old generally do not have litigation capacity, they will not be able to represent themselves in court. Thus, they will have to have a legal representative. The child's representative will primarily be his/her parents or, in the absence of adequate parental care, a guardian.<sup>40</sup>

In certain instances, such as when the parents' interests are in conflict with those of their child, the child will be appointed a "special guardian", who will represent him/her. A special guardian (*posebni skrbnik*)<sup>41</sup> is a person who has passed the bar exam and is employed at the Special Guardianship Centre. He/she is appointed to the child by the court or the Croatian Institute for Social Work in order to protect individual personal and property rights and interests of the child in specific cases listed in the Family Law, for example, in marital disputes and proceedings challenging motherhood and paternity, parental care procedures, cases of conflict between the child's interests and the interests of the child's legal representative, etc.<sup>42</sup> The rights and duties of the special guardian are terminated by the decision of the court or the Croatian Institute for Social Work.<sup>43</sup> In Croatia, there seems to be a continuous increase in the appointment of special guardians for children, which is why the institute of special guardian is particularly important.<sup>44</sup> However, according to the yearly reports of the Ombudsman for children, it seems that the institute of special guardian is characterised by numerous weaknesses and doubts about its effectiveness.<sup>45</sup> This is primarily so due to the overload of the cases given to a singular special guardian,<sup>46</sup> as well as the dislocation of parties and courts.<sup>47</sup>

On the occasion that a minor's legal capacity is recognised within certain limits, he/she will also have litigation capacity within those same limits, i.e. legal capacity and litigation capacity are in that sense linked.<sup>48</sup> In any case, the legal representative will be able to undertake all procedural actions on behalf of the child, unless the law explicitly provides that the representative must have special authorisation for certain actions.<sup>49</sup> During the entire proceedings, the court will *ex officio* check

39 Art. 77 of Civil Procedure Act.

40 Lucić, 2021, p. 815.

41 Arts. 240–246 of Family Act.

42 Ibid., Art. 240 para. 1.

43 Ibid., Art. 246 paras. 1–2.

44 Rešetar and Rupiċ, 2016, p. 1181.

45 Izvješće pravobraniteljice za djecu 2021. – sažetak, Zagreb, March 2022, p. 16; Izvješće pravobraniteljice za djecu 2022. (Sažetak), Zagreb, March 2023, p. 18. For an example of judgment of Constitutional Court of the Republic of Croatia, see e.g. Judgement of the Constitutional Court of the Republic of Croatia, No. U-III/249/2022 from 12 June 2022.

46 According to the Report of the ombudsman for children from 2022, there have been more than 365 cases and 850 hearings per one special guardian.

47 Izvješće pravobraniteljice za djecu 2022 (Sažetak), Zagreb, March 2023, p. 18.

48 Art. 79 para. 2 of Civil Procedure Act.

49 Ibid., Art. 81 para. 2.

whether the party who lacks legal and litigation capacity is duly represented by his/her legal representative.<sup>50</sup>

The child will mostly participate in particular proceedings involving his/her rights, such as relations with parents, measures to protect his/her rights and well-being, adoption, etc. As noted above, all of these types of proceedings are regulated by the Croatian Family Act.<sup>51</sup> The international principle of primary protection of the well-being and rights of the child is reflected in all proceedings, as per Article 5 of the Family Act. It is also explicitly stated that the child will be a party to all court proceedings in which his/her rights and interests are decided upon.<sup>52</sup> This has not always been the case, as the child did not always have the position of a party to a proceeding, for example, under the 2003 Family Act.<sup>53</sup> Additionally, all of the proceedings on matters of family law which are related to the child are considered urgent, and the competent authorities must act accordingly.<sup>54</sup>

The Family Act also provides some special rules on the legal and litigation capacity of minors. A child who has reached the age of fifteen and earns money can independently undertake legal actions, i.e. enter into legal transactions and assume obligations up to the amount he/she earns and dispose of his/her earnings, provided his/her maintenance is not jeopardised.<sup>55</sup> In other words, the child will have special (partial) legal capacity in such instances. On the occasion that the legal actions are such that the child's personal and property rights would be significantly affected, consent of parents, i.e. other legal representatives, would still be required.<sup>56</sup>

Additionally, a child who has reached the age of fourteen may also request the court to issue a decree allowing him/her to present facts, propose evidence, submit legal remedies and take other actions in the process 'if the child is capable of understanding the meaning and legal consequences those actions'.<sup>57</sup> In those instances, the child can also independently initiate proceeding in matters related to the exercise of his/her rights and interests.<sup>58</sup> Before issuing such decree, however, the court is obliged to request the opinion of the Croatian Institute for Social Work.<sup>59</sup> However, even when the decree is issued, the child's legal representative will still be authorised to take actions in the proceedings along with the child.<sup>60</sup> In such instances, it is also possible that the child's and the legal representative's actions may be contradictory. The decision on whose action must prevail will be decided by the court, taking into

50 Ibid., Art. 82.

51 Art. 1 of Family Act.

52 Ibid., Art. 358.

53 Obiteljski zakon (Family Act), Official Gazette 116/2003, 17/2004, 136/2004, 107/2007, 57/2011, 61/2011, 25/2013; Šantek and Parać Garma, 2016, p. 35.

54 Art. 10 of Family Act.

55 Ibid., Art. 85 para. 1.

56 Ibid., para. 2.

57 Ibid., Art. 359 para. 1.

58 Ibid., Art. 87 para. 1.

59 Ibid., Art. 359 para. 2.

60 Ibid., Art. 359 para. 4.

account all of the circumstances of the case and particularly the welfare of the child.<sup>61</sup> It is necessary to highlight the expression “*sposobno shvatiti značenje*” (*capable of understanding the meaning*) in the wording of the aforementioned provision in Article 359(1) of the Family Act, which equals the term “sufficient level of understanding” used by the Council of Europe. The same term is used with the same meaning on multiple occasions throughout the Family Act.<sup>62</sup>

The child will also be able to conduct certain actions by himself/herself in particular instances enumerated by the statute. For example, in the proceedings for granting permission to a minor to enter a marriage, a person who has reached the age of sixteen will be able to independently submit the proposal to that effect before the court.<sup>63</sup>

### 2.1.2. Right to Be Heard

Children also have the right to be heard, as guaranteed in many international and national legal instruments. Under the Brussels II ter Regulation, in cross-border cases related to parental responsibility and return of the child under the Hague Child Abduction Convention, the Croatian courts shall, in accordance with the Croatian national law and procedure, ‘provide the child who is capable of forming his/her own views with a genuine and effective opportunity to express his/her views, either directly, or through a representative or an appropriate body’. In doing so, ‘the court shall give due weight to the views of the child in accordance with his/her age and maturity’. Thus, as explained in Recital 39, the Regulation does not set out whether the child should be heard by the judge in person or by a specially trained expert reporting to the court afterwards. Nor does it specify whether the child should be heard in the courtroom, in another place, or through other means. In addition, the Regulation defines the hearing of the child to be his/her right but not the absolute obligation. Therefore, the court needs to assess it, taking into account the best interests of the child, as in cases involving agreements between the parties.

Turning to the national Croatian law, the Civil Procedure Act prescribes that generally, legal representatives are heard on behalf of the parties who do not have litigation capacity.<sup>64</sup> The court has the discretion to decide to also hear the child instead or in addition to the legal representative if such hearing is possible. No specific provisions are provided on the hearing itself when the witness is a child. It is only stated that minors will not be obliged to take an oath when testifying.<sup>65</sup>

Detailed provisions are found in the Family Act, as the child’s opinion is of utmost importance in all matters of family law. According to Article 86 of the Family Act,

61 Ibid., Art. 359 para. 5.

62 See e.g.: Art. 58c para 1, Art. 63 para. 1, Art. 64 para. 1, Art. 130 para. 2, Art. 225 para. 2, Art. 226, Art. 359 para. 1, Art. 450 para. 3 of Family Act.

63 Art. 449 para. 1 of Family Act.

64 Aart. 267 of Civil Procedure Act.

65 Ibid., Art. 247.



‘parents and other persons who take care of the child are obliged to respect the opinion of the child in accordance with his age and maturity’.

‘In all proceedings in which a decision is made about a child’s right or interest, the child has the right to learn the important circumstances of the case in an appropriate manner, to receive advice and express his/her opinion, and to be informed of the possible consequences of respecting his/her opinion. The child’s opinion is taken into account in accordance with his/her age and maturity.’<sup>66</sup>

The latter expression ‘in accordance with his age and maturity’ may be considered linked to the similar phrase ‘capable of forming his/her own views’ in Article 12 of the UN Convention on the Rights of the Child and Articles 21 and 26 of the Brussels II ter Regulation. The expression is used consistently throughout the Family Act.<sup>67</sup>

Because of the importance of the child’s opinion and the right to express it, the Croatian national law provides that the court will allow the child to express his/her opinion in the proceedings where his/her personal and property rights and interests are decided. This extends also to remedies, enforcement procedures, and non-litigious proceedings. In that vein, the Family Act provides that the court may decide to hear the person against whom the enforcement is being requested before determining the means of enforcement. It may also refer the child to the interview by an expert if needed (the need for an expert is dependent on the child’s age and maturity).<sup>68</sup> In any case, the court will allow the child to express his/her opinion before issuing a decision on the enforcement, directly or indirectly, through the expert.<sup>69</sup> In matters of parent-children relationship, the opposition of a child to having personal contacts with parents or other persons will be particularly taken into account. Thus, when a child who has reached the age of fourteen objects to having personal contact with a parent or another person who, based on an enforcement document, has the right to have personal contact with the child, the court will reject the proposal for enforcement.<sup>70</sup> An explicit reference to the obligation of court to enable the child to express his/her opinion is also given in the Family Act, in the matters relating to establishing temporary measures on the issues of personal relationship between child and his/her parents or other persons.<sup>71</sup>

Despite the fact that the right of the child to express his/her opinion is greatly highlighted in the Family Act, it seems that Croatian courts still occasionally undermine its importance. This is illustrated by the case *M. and M. v Croatia*,<sup>72</sup> which reached the

66 Art. 86 para. 2 of Family Act.

67 See e.g.: Art. 86, Art. 106 para. 4, Art. 191 para. 3, Art. 230 of Family Act.

68 Art. 517 of Family Act.

69 Ibid., Art. 522 para. 1.

70 Ibid., Art. 525 para. 2.

71 Ibid., Art. 536 para. 5.

72 ECtHR, *M. and M. v Croatia*, No. 10161/13, 3 September 2015.

European Court of Human Rights (ECtHR). In this case, the ECtHR held that there had been a violation of Article 3 of the ECHR, on the prohibition of inhuman and degrading treatment, due to Croatia's failure to promptly investigate allegations of ill-treatment of the child, as well as a violation of Article 8 of the ECHR, on the right to private and family life, on account of the excessive length of the custody proceedings, as well as the child's lack of involvement in the custody proceedings. Particularly jarring was the fact that the court, even after more than four years of ongoing custody proceedings, had not allowed the child to express her opinion about which parent she wanted to live with. According to the ECtHR, this only exacerbated the traumatising of a child, subsequently resulting in self-harm of the child.

Of course, the child can object to expressing his/her opinion, which the court has to respect as well.<sup>73</sup> If the court decides not to establish the child's opinion, it has to have justified reasons which must be explained in the decision.<sup>74</sup>

The method of obtaining the child's opinion is not explicitly laid down by the Family Act or the Civil Procedure Act. Instead, it is provided in the Ordinance on the Method of Obtaining the Child's Opinion.<sup>75</sup> The Ordinance prescribes that the child always expresses his/her opinion without the presence of parents or guardians or other persons who take care of the child.<sup>76</sup> Determining the child's opinion does not consist only of hearing the child – it includes preparation of the child (i.e. informing the child about his/her right to express opinions on all relevant issues, on the procedure for determining his/her opinion, the influence that such opinion can have on the outcome of the procedure, etc.), assessment of his/her abilities and maturity (i.e. assessment of the child's cognitive abilities to form and express his/her opinion in a reasonable and independent way and to understand the outcomes of the expressed opinion), and, subsequently, the expression of the opinion itself. The expression of opinion will not consist of a questioning; rather, it will be formed as a conversation in a 'stimulating and encouraging atmosphere in which the child will feel safe and respected, and his/her opinion will be seriously listened to and taken into account'.<sup>77</sup> The child may also express his/her opinion through non-verbal forms of communication, such as play, body language, facial expression, drawing etc.<sup>78</sup>

The particular way of obtaining the child's opinion will differ for children under the age of fourteen and for those of fourteen and above.<sup>79</sup> The latter category of children are allowed to express their opinion independently in a suitable place. Only on the occasion that the court decides it is necessary, the expert must also be present. On the other hand, children under the age of fourteen will express their opinions

73 Art. 360 of Family Act.

74 Ibid., Art. 360 para. 3.

75 Ordinance on the Method of Obtaining the Child's Opinion (Pravilnik o načinu pribavljanja mišljenja djeteta), Official Gazette 123/2015.

76 Ibid., Art. 4.

77 Ibid., Art. 7 para. 1.

78 Ibid., Art. 7 para. 2.

79 Ibid., Art. 2.

through a special guardian or other expert, usually a psychologist. This means that the special guardian must obtain the child's opinion, which may be a difficult task for a layman/laywoman. Thus, such guardians must possess the necessary professional knowledge and skills to communicate with the child and determine his/her opinion. If the guardian in question lacks such expertise, he/she may use the help of an expert.<sup>80</sup> In any case, the court has a duty to inform the special guardian or expert on the matters in which the child's opinion needs to be determined.<sup>81</sup>

As mentioned above, the child expresses his/her opinion in 'a suitable place'. It will usually be a place outside the courtroom, which is equipped and adapted for the needs of working with children. It is also necessary to ensure privacy, the safety of the child, and unhindered work.<sup>82</sup> Moreover, such place may also be a special area of the court, a special area of the Croatian Institute for Social Work, the Center for Special Guardianship, home of the foster parents or other persons with whom the child is placed, and other areas determined by the court on the occasion that the previously mentioned conditions are met.<sup>83</sup> Expression of the child's opinion may also be enabled via video link if technical requirements allow it.<sup>84</sup> This might especially be useful means if the child is located far from the court, as in cross-border proceedings, including the proceedings for the return of the child under the Hague Child Abduction Convention and the Brussels II ter Regulation.

## **2.2. Criminal Court Proceedings**

In criminal proceedings, the general rules on the child's participation will apply accordingly. Thus, children will be able to participate in criminal court proceedings through representation but will also be allowed to express their opinions/testify where needed. However, due to the particularly sensitive matters of criminal law, the Croatian Criminal Procedure Act and the Juvenile Courts Act regulate matters of the child's participation in criminal proceedings in specific detail. The regulatory framework on children's participation in criminal proceedings differs depending on the role of the child in the proceedings, i.e. whether the child is a victim of a criminal offence, an injured party, a witness, or a perpetrator.

### *2.2.1. Child as a Victim of a Criminal Offence*

A child who has been a victim of a criminal offence has a special position in the criminal court proceedings. The court, as well as other actors involved, such as the state attorney's office, the investigator, and the police, are all obliged to treat the child with special care to avoid potentially harmful consequences for his/her upbringing and

80 Ibid., Art. 3 para. 2.

81 Ibid., Art. 3 para. 1.

82 Ibid., Art. 5 para. 1.

83 Ibid., Art. 5 paras. 2 and 5.

84 Ibid., Art. 5 para. 3.

development.<sup>85</sup> Thus, the best interest of the child must be taken into account at all times and all stages of the proceedings.

The child as a victim will have specific rights in the criminal court proceedings, in addition to all of the rights that generally belong to victims. The specific rights for children include the right to an assignee at the expense of budget funds, secrecy of personal data, and exclusion of the public during the proceedings.<sup>86</sup> The child is also afforded some additional rights if the criminal offence in question relates to offences against sexual freedom or human trafficking. Here, the child also has rights such as the right to a counsellor before the examination, interrogation by a person of the same gender, right to withhold answers that strictly refer to the victim's personal life, right to examination through an audio-video device, etc.<sup>87</sup> Similar rights are also afforded to victims who have special protection needs, as determined in accordance with Article 43a of Criminal Procedure Act.

Regardless of the explicit legislative basis for the protection of the child's best interest, this may not always be done in practice. This is visible from *M. and M. v. Croatia*, mentioned above, as the case also dealt with a criminal proceeding against the father who had physically harmed the child. According to the ECtHR, Croatia failed to promptly investigate the allegation of ill-treatment, resulting in the violation of Article 3 of the ECHR. The problems of this sort are also repeatedly indicated in the annual reports of the Ombudsman for Children, which particularly highlight the lengthiness of the criminal proceedings as a serious problem for the child victims, given that this agony significantly delays the chances for successful recovery of the child.<sup>88</sup>

### 2.2.2. *Child as an Injured Party*

On the occasion that an injured party is a child, he/she has, as do all injured parties, the right to use one's own language in court, right to an assignee, right to attend the evidentiary hearing and participate in it, right to propose evidence, etc.<sup>89</sup> All of these actions and any statements will be given by the child's legal representative or guardian, where the child lacks litigation capacity (which is in majority of cases). However, a situation may occur where the interests of the child are in conflict with the interests of the child's parents. Here, a special guardian will be appointed for the child by the Croatian Institute for Social Work.<sup>90</sup> Exceptionally, if the child has reached the age of sixteen, he/she can make statements and take actions in the proceedings by himself/herself.<sup>91</sup>

85 Art. 44 para. 2 of Criminal Procedure Act.

86 Ibid., Art. 44 para. 1.

87 See: Art. 44 para 4 of Criminal Procedure Act.

88 Izvješće pravobraniteljice za djecu 2022 (Sažetak), Zagreb, March 2023, p. 18; Izvješće pravobraniteljice za djecu 2023 (Sažetak), Zagreb, March 2024, p. 15.

89 For the full list, see: Art. 51 para. 1 of Criminal Procedure Act.

90 Ibid., Art. 53 para. 1.

91 Ibid., Art. 53 para. 3.

### 2.2.3. *Child as a Witness*

The majority of provisions in the Criminal Procedure Act on the participation of the child in proceedings are related to the child as a witness in a criminal proceeding.

As mentioned above, the child does not have litigation capacity and is, therefore, represented by his/her legal representative. Thus, summoning a child witness will usually also be done through his/her legal representatives, typically parents. However, some exceptions are possible – a child who has reached the age of sixteen may be summoned directly, as may all children, if there is a particular need to act urgently or due to other justified circumstances.<sup>92</sup> Such circumstances are not explicitly enumerated in the Criminal Procedure Act and are to be determined by the court in each particular case.

The examination itself will slightly differ depending on whether the child has reached the age of fourteen or not. For children that have not yet reached the age of fourteen, the examination will be conducted by an investigating judge, without the presence of the judge and the parties, usually through audio-video devices operated by an IT assistant. A psychologist, pedagogue, or other expert will assist in the examination. The same is true for the parents or legal guardians of the child unless it would be against the interests of the proceedings or the child. The parties may ask questions, approved by the investigating judge, through an expert. Such examination will be recorded by an audio-video recording device, and the recording will be sealed and attached to the record. Only exceptionally can the child be re-examined.<sup>93</sup>

For children who have reached the age of fourteen, the examination will also be conducted by the investigating judge. The questioning must be done in a way that will not adversely affect the child's mental state. The rules on the examination of a child under fourteen years of age, as described above, may apply here if necessary, depending on the circumstances of the case.<sup>94</sup> If that is deemed unnecessary, the examination will be carried out in accordance with the general rules, i.e. the child will be questioned as adult witnesses.

The child will also be protected in instances where identification must be carried out.<sup>95</sup> In such cases, the child performing the identification will be able to do so without the persons whose identification is being performed being able to see or hear him/her. The same is true for any evidence where the child's identity is visible, such as recordings.<sup>96</sup> Here, the recording will be reproduced with the child's face and voice distorted, so his/her identity is not recognisable. This will be done only if it is necessary to protect the child's interests – if the interest of the proceedings as a whole requires that the identity of the child is shown, the original recording may be presented.

92 Ibid., Art. 173 para. 3.

93 Ibid., Art. 292 para. 1.

94 Ibid., Art. 292 para. 2.

95 Ibid., Art. 303 par. 1.

96 Ibid., Art. 330 para. 3.

#### 2.2.4. *Child as a Perpetrator*

Children may occasionally also be perpetrators of criminal offences. Such situations, although generally rare,<sup>97</sup> deserve special attention.

Given that children differ from adults, particularly in their levels of “physical and psychological development”,<sup>98</sup> their different treatment in criminal proceedings is essential. The age for criminal responsibility differs among the Member States of the EU; in Croatia, it has been set at fourteen.<sup>99</sup> Thus, children who have not yet reached the age of fourteen cannot be held responsible for criminal offences. The law does not provide any leeway for children under fourteen to be held responsible, even if it is determined that they had the ability to evaluate and understand the consequences of their actions.<sup>100</sup> On the other hand, children who have reached the age of fourteen will be held responsible – however, their responsibility may be seen as reduced.

The special legal framework for juvenile offenders in Croatia may be found in the Juvenile Courts Act. The rules adopted therein were guided by the need for special protection of children, particularly by the UN Convention on the Rights of the Child and other relevant instruments such as the Guidelines on Child-Friendly Justice and UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Powers.<sup>101</sup> Particularly important in that regard is that the approach to juvenile offenders of the Juvenile Courts Act is guided by the obligation to treat the suspected or accused child

‘in a way that is consistent with the promotion of his/her sense of dignity and worth, which strengthens the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting his/her return to the community and his/her assumption of active roles in that community.’<sup>102</sup>

In other words, the core aim of juvenile criminal justice, as reflected in the Croatian Juvenile Courts Act, is the rehabilitation and reintegration of juvenile delinquents into society.<sup>103</sup>

The Juvenile Courts Act differentiates between two groups: minors and “young adults”. As mentioned above, the age of criminal responsibility in Croatia is fourteen; therefore, “minors”, for the purposes of the Juvenile Courts Act, will represent children who have reached the age of fourteen but have not yet reached the age of eighteen. On the other hand, young adults can be defined as persons between eighteen

97 Božićević-Grbić and Roksandić Vidlička, 2011, p. 685.

98 United Nations, 2007, para. 10.

99 Kazneni zakon (Criminal Act), Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, Art. 7 para. 1.

100 Petö-Kujundžić, 2004, p. 112.

101 United Nations, 1985; Božićević-Grbić and Roksandić Vidlička, 2011, p. 686.

102 United Nations, 1989, Art. 40.

103 Šarčević et al., 2011, p. 30.

and twenty-one years of age.<sup>104</sup> Regardless of whether the accused is a minor or young adult, the criminal proceedings are always urgent.<sup>105</sup>

Criminal cases against children (and young adults) will be judged by juvenile courts (*sudovi za mladež*).<sup>106</sup> Juvenile courts are formed as a specific department, i.e. “juvenile department”, of county and municipal courts at the seat of the county court. Such courts/departments consist of “juvenile council” (*vijeće za mladež*) and “juvenile judges” (*suci za mladež*).<sup>107</sup> The judges of the juvenile courts are appointed by the president of the Supreme Court of the Republic of Croatia from among the judges of municipal and county courts as well as the High Criminal Court of the Republic of Croatia.<sup>108</sup> The judges of juvenile courts must be appointed based on their expressed affinity for the upbringing, needs, and advancements of youth. They should also have basic knowledge not only of criminology but also of social pedagogy, youth psychology, and social work for youth.<sup>109</sup> Juvenile judges also participate in the juvenile council, along with “jury judges for juveniles” (*suci porotnici za mladež*), who are usually professors, teachers, and educators, as well as other persons who have work experience in professional educational work with youth.<sup>110</sup>

The general rules governing the procedure against minors are contained in the Criminal Procedure Act (*lex generalis*); those rules apply provided they do not conflict with the special rules provided by the Juvenile Courts Act (*lex specialis*).<sup>111</sup> A minor shall, whenever possible, be summoned through a parent or a legal representative.<sup>112</sup> From the first action taken on the ground of suspicion of committing a criminal offence to the final conclusion of criminal proceedings, the minor must have a defence counsel, which has to be an attorney-at-law.<sup>113</sup> In the course of the proceedings, the Croatian Institute for Social Work has the right to be acquainted with the developments in the proceedings and to make proposals and draw attention to the facts and evidence that are deemed important for reaching the proper decision.<sup>114</sup> Additionally, whenever the facts and circumstances of a particular case indicate the need to take special measures in order to protect the rights and well-being of minors, the juvenile courts and the public prosecutor’s office must report to the Croatian Institute for Social Work.<sup>115</sup>

Additional rights are guaranteed to the suspected or accused child in criminal proceedings, particularly the right to have the parent or guardian present at all times

104 Art. 2 of Juvenile Courts Act.

105 Ibid., Art. 4.

106 Ibid., Art. 35.

107 Ibid., Art. 37 para. 1.

108 Ibid., Art. 39 para. 1.

109 Ibid., Art. 38.

110 Ibid., Art. 41 para. 2.

111 Ibid., Art. 48.

112 Ibid., Art. 55 para. 1.

113 Ibid., Art. 54 paras. 1 and 5.

114 Ibid., Art. 57 para. 1.

115 Ibid., Art. 56

during the proceedings, especially during the questioning;<sup>116</sup> the right to additional information provided to the minor, as enumerated explicitly by the statutes;<sup>117</sup> the confidentiality of the proceedings;<sup>118</sup> etc.

In any case, a minor may not be tried *in absentia*.<sup>119</sup> In all actions to which the minor is present, particularly when minor is subjected to questioning, the court must act with caution, giving particular regard to the aim of preserving the well-being and development of the child.<sup>120</sup> There are no specific instructions provided in the statute; hence, the way the proceedings are conducted is to be decided on a case-by-case basis, depending on the psychological development and personal characteristics of the minor in question.

### **2.3. Administrative Court Proceedings**

As in civil and criminal proceedings, children's access to administrative court proceedings is guaranteed without any specific age threshold. However, the participation of children in administrative proceedings is not regulated under the applicable statutes in much detail. Thus, the general rules of participation apply; the child can be the party to the particular proceedings but cannot represent himself/herself. Instead, the child is represented by his/her legal representative, according to the general rules of representation explained above. In addition, the child has the right to be heard, as guaranteed by the aforementioned legal instruments.

The child's participation is rarely observed in the practice of the Croatian administrative courts. This being said, a case before the High Administrative Court of Croatia of 2015 serves as an example of the child's rights violation in the administrative court proceedings.<sup>121</sup> In that case, a child, S.M., had been previously placed in the relative foster family, i.e. under the care of her grandmother. However, the then Social Welfare Centre (now the Croatian Institute for Social Work) initiated the proceedings for the termination of the right to the long-term placement of the child in this foster family due to the fact that the child began to show behavioural disorders. Namely, it was believed that the child's grandmother was not an adequate foster parent. The grandmother filed a complaint against the decision, which the competent first-instance administrative court rejected. The child's grandmother appealed the court decision, denying such claims against her. The High Administrative Court, having reviewed the entire documentation in the case file, found that the facts on which the administrative bodies and the first-instance administrative court based their decision were not sufficient to establish the termination of the right to place the child in the relative foster family. The fact that the child exhibits behavioural

<sup>116</sup> Ibid., Art. 53.b.

<sup>117</sup> For a complete list, see: Ibid., Art. 53.a.

<sup>118</sup> Ibid., Art. 60.

<sup>119</sup> Ibid., Art. 53 para. 1.

<sup>120</sup> Ibid., Art. 53 para. 2.

<sup>121</sup> Judgement of the High Administrative Court of Croatia, No. Usž-1154/15-2 from 3 September 2015. See also: Zagorec, 2016.



disorders cannot be the only criterion for the conclusion that the grandmother does not adequately care for the child. On the contrary, the case file clearly showed that the grandmother regularly took the child for check-ups and provided her with care and protection. Moreover, the case file also showed that the child was extremely attached to her grandparents. On that note, when the High Administrative Court analysed the course of the administrative dispute before the lower court, it became clear that the competent authorities did not allow the child to express her opinion on the matters at hand. As a consequence, the High Administrative Court established the manifest violation of Article 12 of the Convention on the Rights of the Child.

### 3. Child-Friendly Information and Promotion of Children's Rights

In order for child-friendly justice to function properly, it is also important that children are adequately informed about their rights. Naturally, it will usually be the role of a court to provide children with sufficient information on their rights in the course of the pending court proceedings. However, promoting child-friendly justice and informing children of their rights in general should also be done outside of a courtroom, i.e. before the child is involved in any particular proceeding. On that note, a few relevant sources of information and child-friendly activities in Croatia can be highlighted here.

Firstly, all aforementioned national legal acts, as well as the translations of foreign legal instruments, such as the UN Convention on the Rights of the Child, are translated into Croatian and made publicly available and promoted in different publications online and in print. Thus, anyone has access to relevant legal information. This also includes manuals and other materials, such as the Handbook on Children's Rights,<sup>122</sup> which can be helpful in providing legal information adapted to children's understanding. There are also some child-friendly information or leaflets made specifically for children.<sup>123</sup>

Significant action on the promotion of children's rights is taken by the Office of the Ombudsman for Children. Since 2010, the Network of Young Advisers (*Mreža mladih savjetnika*) has been operating as an advisory body for the Ombudsman. Members of the Network are chosen by the children from the previous generation, while adult counsellors and the Ombudsman herself also participate. Additionally, the Youth Forum (*Forum mladih*), consisting of fifteen members who are children over sixteen years old, operates as an advisory group. Both the Network and the Youth Forum actively participate in the promotion of the rights and well-being of the child, particularly through participation in discussions and conferences on particular topics relating to the child's rights, such as the child's participation in school, child's mental

122 Agencija Europske unije za temeljna prava and Vijeće Europe, 2015.

123 Republika Hrvatska, n.d.

health, child poverty etc., and holding regular meetings with the Ombudsman for Children.<sup>124</sup>

The Office of the Ombudsman for Children regularly organises meetings with children, both in the offices of the Ombudsman in different cities and in schools. The aim of these meetings is to provide children with relevant information about the Office of the Ombudsman for Children and the work done, particularly on the rights of the child. Additionally, the meetings aim to encourage children to exercise their right of participation and enable hearing the views of children concerning the ability and obstacles to exercising their rights in society.<sup>125</sup> Finally, among the regular annual activities of the Office of the Ombudsman for Children are visits to institutions for children, such as institutions of social care, shelters for victims of domestic violence, educational institutions, penal institutions, etc.<sup>126</sup>

124 Pravobraniteljice za djecu, 2023, p. 22.; Pravobraniteljice za djecu, 2024, p. 19.

125 Pravobraniteljice za djecu, 2023, p. 23; Pravobraniteljice za djecu 2024, p. 19. In 2023, there have been 63 in person and 9 online meetings with approximately 1300 children in total.

126 Pravobraniteljice za djecu 2023, p. 29.

## Bibliography

- Agencija Europske unije za temeljna prava, Vijeće Europe (2015) *Priručnik o pravima djeteta u europskom pravu*. Belgium: Ured za publikacije Europske unije.
- Božićević-Grbić, M., Roksandić Vidlička, S. (2011) 'Reforma maloljetničkog kaznenog prava i sudovanja', *Hrvatski ljetopis za kazneno pravo i praksu*, 18(2), pp. 679–715.
- Council of Europe (1950) *European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)*. Strasbourg: Council of Europe.
- Council of Europe (1996) 'European Convention on the Exercise of Children's Rights', *European Treaty Series No. 160*.
- Council of Europe (2003) 'Convention on Contact concerning Children', *European Treaty Series No. 192*.
- Council of Europe (2011) *Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice*. Strasbourg: Council of Europe Publishing.
- Council of the European Union (2019) 'Council regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast)' [Online]. Available at: <https://eur-lex.europa.eu/eli/reg/2019/1111/oj/eng> (Accessed: 26 January 2024).
- European Union (2007) 'Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007' [Online]. Available at: <https://eur-lex.europa.eu/eli/treaty/lis/sign/eng> (Accessed: 26 January 2024).
- European Union (2000) 'Charter of Fundamental Rights of the European Union' [Online]. Available at: [https://eur-lex.europa.eu/eli/treaty/char\\_2012/oj/eng](https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng) (Accessed: 26 January 2024).
- Hague Conference on Private International Law (1980) 'Convention of 25 October 1980 on the Civil Aspects of International Child Abduction' [Online]. Available at: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=24> (Accessed: 26 January 2024).
- Hague Conference on Private International Law (1996) 'Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children' [Online]. Available at: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=70> (Accessed: 26 January 2024).
- Lucić, N. (2021) 'Zastupanje u vezi s bitnim osobnim pravima djeteta', *Zbornik radova Pravnog fakulteta u Splitu*, 58(3), pp. 815–840; <https://doi.org/10.31141/zrpfs.2021.58.141.815>.
- Petö-Kujundžić, L. (2004) 'Dijete kao svjedok', *Hrvatski ljetopis za kazneno pravo i praksu*, 11(1), pp. 111–118.

- Poretti, P. (2019) 'Pristup pravosuđu za djecu' in Župan, M. (ed.) *Prekogranično kretanje djece u Europskoj uniji*. 1st edn. Osijek: Pravni fakultet Sveučilišta Josipa Jurja Strossmayera u Osijeku, pp. 61–93.
- Pravobraniteljice za djecu (2023) 'Izvješće pravobraniteljice za djecu 2022 – Sažetak' [Online]. Available at: [https://www.sabor.hr/sites/default/files/uploads/sabor/2023-04-03/151140/IZVJ\\_PRAVOBRANITELJICA\\_ZA\\_DJECU\\_2022.pdf](https://www.sabor.hr/sites/default/files/uploads/sabor/2023-04-03/151140/IZVJ_PRAVOBRANITELJICA_ZA_DJECU_2022.pdf) (Accessed: 26 January 2024).
- Pravobraniteljice za djecu (2024) 'Izvješće pravobraniteljice za djecu 2023 – Sažetak' [Online]. Available at: [https://www.sabor.hr/sites/default/files/uploads/sabor/2024-05-20/133602/SAZETAK\\_IZVJ\\_PRAVOBRANITELJICA\\_DJECA\\_2023.pdf](https://www.sabor.hr/sites/default/files/uploads/sabor/2024-05-20/133602/SAZETAK_IZVJ_PRAVOBRANITELJICA_DJECA_2023.pdf) (Accessed: 26 January 2024).
- Republika Hrvatska (n.d.) 'Konvencija UN-a o pravima djeteta na jeziku bliskom djeci' [Online]. Available at: <https://dijete.hr/hr/konvencija-un-a-o-pravima-djeteta/> (Accessed: 26 January 2024).
- Rešetar, B., Rupiće, D. (2016) 'Posebni skrbnik za dijete u hrvatskom i njemačkom obiteljskopravnom sustavu', *Zbornik Pravnog fakulteta Sveučilišta u Rijeci*, 37(3), pp. 1175–1200; <https://doi.org/10.30925/zpfsr.37.3.5>.
- Šantek, R., Parać Garma, M. (2016) 'Sudjelovanje djeteta u sudskim postupcima te zaštita prava i dobrobiti djeteta u tim postupcima' (Priručnik za polaznike) Zagreb: Pravosudna akademija.
- Šarčević, P., et al. (2011) *Family Law in Croatia*. 1st edn. Alphen aan den Rijn: Kluwer Law International.
- United Nations (1985) 'Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, General Assembly resolution 40/34 of 29 November 1985' [Online]. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse> (Accessed: 26 January 2024).
- United Nations (1989) 'Convention on the Rights of the Child', New York, 20 November, General Assembly resolution 44/25.
- UN Committee on the Rights of the Child (2007) *General Comment No. 10 (2007) on Children's rights in juvenile justice*, 25 April 2007, CRC/C/GC/10 [Online]. Available at: <https://www.refworld.org/legal/general/crc/2007/en/43085> (Accessed: 26 January 2024).
- UN Committee on the Rights of the Child (2009) *General comment No. 12 (2009) on the right of the child to be heard*, 20 July 2009, CRC/C/GC/12. para 1 [Online]. Available at: <https://www.refworld.org/docid/4ae562c52.html> (Accessed: 26 January 2024).
- Uzelac, A., Rešetar, B. (2009) 'Procesni položaj i zastupanje djeteta u sudskom postupku prema hrvatskom i komparativnom pravu – neka otvorena pitanja' in Rešetar, B. (ed.) *Dijete i parvo*. 1st edn. Osijek: Pravni fakultet u Osijeku, pp. 163–198.
- Zagorec, M. (2016) 'Zaštita prava djece u upravnosudskom postupku', *Informator*, 6405(15), pp. 6–8.