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Zagreb, 28 October 2004.

**THE HAGUE CONFERENCE ON INTERNATIONAL PRIVATE LAW
INTERNATIONAL CHILD ABDUCTION**

Subject: Standard questionnaire for Candidate states
- Reply to your inquiry

I Implementing legislation

- a) Implementing legislation will not be necessary since Article 140 of the Constitution of the Republic of Croatia specifies that "international treaties that have been concluded and ratified in accordance with the Constitution, and subsequently published and enforced, constitute an integral part of the legal order of the Republic of Croatia. Its legal force is such that it overrides the law. Provisions of such treaties can be changed or abolished only under the terms and in the manner set out in these treaties, or in accordance with general rules of the international law.
- b) Although there is a constitutional basis for direct application of the Convention as specified in paragraph a), we believe that it would be easier to efficiently apply the Convention if a specific law, setting out procedures for the application of the Convention, was adopted.

II Locating children

Social services and police departments are involved in the procedure for determining the whereabouts of children.

III. Competencies of the Central authority bodies

- a) The Ministry of Health and Social Care; 10000 Zagreb, Ksaver 200a; Tel.: 6169236; Fax: 6196 394.
- b) Lidija Budimović; tel. 6169236; e-mail: lidija.budimovic@mrss.hr; language spoken: Croat.
- c) A decision of the Government of the Republic of Croatia made in 1993 designates the Ministry of Labour and Social Care and the Ministry of Justice as the Central authority bodies authorised to act in compliance with the Convention. The Ministry of Health and Social Care is a legal successor of the Ministry of Labour and Social Care.

IV Legal procedures

- a) Based on Article 5. of the Law on Courts of the Republic of Croatia, applications for return of the child (and the right of access) are resolved by courts.
- b) In addition to deadlines imposed by both the Central authority body and the Convention text itself, the Family Law of the Republic of Croatia prescribes that in family related matters, all actions are to be carried out in an expeditious manner.
- c) The experience to date shows that, as a rule, foreign applicants have been hiring private practitioners to legally represent them in court proceedings. In accordance with the rules of the Republic of Croatia's Bar Association, it is possible for a foreign applicant to obtain free legal aid under the same terms that apply for Croatian nationals. In order to be eligible for free legal aid, an applicant should either be unemployed or have low income. An eligible foreign applicant can obtain free legal advice at Social Care Centres.

V. Implementing procedures

- a) A decision by the court ordering a return of the child must be legally valid; but, in case when an abductor does not voluntarily return the child, an enforcement procedure must be initiated for the child to be taken away from the person defying the return, through a bailiff and, if necessary, through assistance from the police.
- b) The same reply as in a).

VI Independent Law

- a) Issues pertaining to the relations between parents and children, as well as other family related issues, are regulated by the Family Law of the Republic of Croatia that was passed in 2003.
- b) There is no difference in the legal status between a father and mother as far as the child custody and the right of access are concerned, because the Family Law prescribes that parents, regardless of whether they live together or are separated, are obliged to equally, jointly and by means of an agreement look after the child.

VII Social services and child protection services

Following a request of the court, social care centres will assess what would best for the welfare of the child, and if necessary, the child can be put in a child centre or assigned to the custody of another person.

For legal advice and representation, see reply under IV c.

VIII Information and training

This Ministry has organised, in co-operation with the Ministry of Justice and with financial support from the Deutsche Stiftung (*i.e.* a German Foundation), one seminar to date

concerning the procedures for application of the Convention intended for personnel employed at social care centres; and a seminar for judges and personnel of social care centres concerning the application of the Convention (Split, June 2004).

It has been planned to have one more seminar organised in Zagreb at the beginning of December this year.

Yours faithfully,

VICE-PRESIDENT OF THE GOVERNMENT
MINISTER OF HEALTH AND SOCIAL CARE

Prof. Andrija Hebrang, Sc.D.