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# Hearing children in family proceedings: Croatia

## 1. General Obligation to hear children

Croatia has implemented a general statutory provision to fulfill the right of the child to be heard (FRA, 2015b, p. 5) in Art. 86 and 360 FLA (2015). However, in its latest concluding observations on Croatia, the CRC Committee is concerned about the fact that children's voices are not adequately considered in judicial and administrative proceedings that affect them (UNCRC, 2014, §24).

## 2. Minimum age

No minimum age (FRA, 2015a, p. 42). National law does not define maturity, this is decided by the judge on a case by case basis (FRA, 2015a, p. 40). Child hearings tend to be avoided, unless there are concerns over the child's best interests (FRA, 2015a, p. 49). In rare cases where the judge hears the child, they are usually 12 years of age (FRA, 2015a, p. 49).

## 3. Who hears the child?

- Children are generally heard in the Centre for Social Welfare or at the Court (Croatian Ministry of Health and Social Welfare, 2010, p. 17). They can also be heard by psychologists at school. Only in rare cases will the judge hear the child (FRA, 2015a, p. 49).
- The judge requests a maturity assessment from experts (psychologists, social workers) (Croatian Ministry of Health and Social Welfare, 2010, pp. 16-17).
- A new legal act (Regulation on methods of obtaining the child's opinion) determines how the hearing should take place.

## 4. Specific rules for hearing children in child abduction cases?

- It is possible to provide evidence through video recordings in family law proceedings (FRA, 2015a, p. 41).
- Concentrated jurisdiction regarding return applications was provided in a new act (draft in 2010) (Croatian Ministry of Health and Social Welfare, 2010, 4.1). However, implementation of this act has failed so far (Zupan, 2016). The decision in two recent ECHR judgments against Croatia may change this (Zupan, 2016).

## 5. Cross-border element (i.e. hearing a child who is abroad in second-chance procedure Brussels IIbis?)



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No information available

## 6. Other relevant matters

No information available

## 7. Legal sources on hearing the child

- Family Act 2015 (Art. 86 and 360 FLA).
- Regulation on methods of obtaining the child's opinion, OG 103/2015, of 02.11.2015.

## 8. Sources in literature

- [Croatian Ministry of Health and Social Welfare](#), 2010
- [FRA](#), 2015a
- [FRA](#), 2015b
- [Concluding Observations UNCRC](#), 2014
- Contact person for Croatia: Mrs. Mirela Zupan