

# UNIVERSAL PERIODIC REVIEW

## Republic of Croatia

Mid-term report on follow-up of the recommendations of the United Nations Human Rights Council under the Universal Periodic Review Mechanism (UPR)

December 2013



Republic of Croatia

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## **RATIFICATION OF THE INTERNATIONAL INSTRUMENTS**

**97.1. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina; France; The former Yugoslav Republic of Macedonia) and recognize the competence of the Committee on Enforced Disappearances, as provided for in Articles 31 and 32 of the Convention, as early as possible (France);**

-It has been envisaged to initiate the ratification proceedings in 2014.

**97.2. Ratify the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption (Ecuador);**

- The Act on Ratification of the Convention entered into force on 7 July 2013 and the procedure for the conclusion of the ratification proceedings is pending.

**98.1. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in line with recommendation 1737 of 17 March 2006 adopted by the Parliamentary Assembly of the Council of Europe, to which Croatia is an active member (Algeria);**

- Croatia did not accept the recommendations, considering this issue part of a wider European context, as well as the fact that migrants have been provided with adequate protection on the national level.

**98.2. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina; The former Yugoslav Republic of Macedonia);**

- (See 98.1.)

**98.3. Sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Turkey);**

- (See 98.1.)

**98.4. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);**

- Croatia was actively engaged in the drafting of the Protocol and has given support to its adoption. In addition, in accordance with its recent entry into force in May 2013, there has been an ongoing review of alignment of national legislation and practices by a special working group, in order to make an informed decision on assuming international commitments, as it is a mechanism of an innovative monitoring system based on individual complaints in the field of economic, social and cultural rights. In addition, Croatia is one of the few countries that permit the submission of collective complaints pursuant to the European Social Charter of the Council of Europe, and thus, in the European context, provides for a high level of international supervision of the implementation of economic and social rights.

- As regards the International Convention for the Protection of All Persons from Enforced Disappearance (see 97.1).

**98.5. Follow up with their valuable work on human rights issues by ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, and the 1961 Convention on the Reduction of Statelessness, and by accepting recommendations made by the Human Rights Council mechanisms (Hungary);**

- OP-ICSECR (see 98.4).

- ICPED (see 97.1).

- Croatia is a party to the 1961 Convention on the Reduction of Statelessness as of 22 September 2011.

- As a democratic country and further to the announcement of candidacy for membership in the Human Rights Council for the period 2017 to 2019, as well as the previously sent ‘open invitation’ to all the mechanisms of the Council, Croatia has accepted the recommendations of the Council mechanisms and has been actively collaborating with them.

#### UPR FOLLOW-UP

**96.7. Continue consultations with civil society in the follow-up to this universal periodic review (Austria);**

- In the process of preparing the National Report for the first round of the UPR cycle, the Government held consultations with civil society and organised interactive discussions, on which occasion it also amended the report in line with the suggestions made.

- In addition, Croatia actively participated in the ‘side-event’ organised by the ‘Human Rights House Foundation’ in Geneva on 17 March 2011 (on the date of adoption of the final document of the UPR procedure), on which occasion the Government confirmed its willingness to continue the partnership with civil society in the process of reporting by the UPR procedure.

- Civil society has already prepared its ‘*Mid-term Implementation Assessment*’ (MIA for the first cycle), which has also been consulted in the drafting of this document.

- Based on past experience, the Government is ready for further improvement of partnership with civil society in the preparation for the second UPR cycle.

**96.8. Adopt a transparent and inclusive process with civil society in the implementation of universal periodic review recommendations (Norway);**

- (See 96.7.)

**98.22. Develop a national programme to follow up on the results of this universal periodic review (Mexico);**

- Given the existing National Programme for the Protection and Promotion of Human Rights (2013 to 2016), and taking into account that many of the measures overlap with the

recommendations of the UPR, there was no need for the adoption of a special national programme in the proposed sense.

**97.8. Accomplish progressively human rights voluntary goals as set up by Human Rights Council resolution 9/12 (Brazil);**

- In accordance with national priorities and initiatives (point 113 of the National UPR Report), Croatia has continued with the implementation of the key strategic documents (as listed in the Report) and has also intensified efforts to improve the situation in the area of hate crimes (see 97.30), to ensure free legal aid for the most vulnerable categories of the population (see 97.53 and 98.10) and the introduction of human rights education (see 97.9).

**97.16. Translate, publish and make available to the citizens of the country the assessments and recommendations made by international human rights bodies, including the Human Rights Council's universal periodic review (Norway);**

- The recommendations are regularly translated and made available to the citizens through publication on the websites of the competent authorities. For example, the Ministry of Foreign and European Affairs published the UPR recommendations, the Government Office for Gender Equality published the CEDAW recommendations, while the Ministry of the Interior set up a banner to the European Court of Human Rights, etc.

## INSTITUTIONAL & LEGAL FRAMEWORK

**96.1. Provide the Government office for Gender Equality as well as the ombudsperson for gender equality with the necessary authority as well as human and financial resources to carry out their work effectively (France); give high priority to the Office for Gender Equality by providing it with necessary resources to effectively carry out its mandate (Ecuador);**

- Despite the recession, efforts have been made to maintain an adequate level of activities of all institutions involved in the protection of human rights, and not to resort to reducing the number of employees.

- In 2013, the Government Office for Gender Equality has maintained the same level of employment (6 persons), with less funding by 12 % (compared to 2011); therefore, further efforts need to be made for its strengthening.

- In addition, the Ombudsperson for Gender Equality has been emphasising the need for further strengthening of her Office, in terms of funding and human resources, in particular due to the new powers associated with the role of intervener in court proceedings.

**97.3. Continue to consolidate its national human rights infrastructure (Egypt);**

- Croatia has been continuously improving its institutional and legal framework. Progress has been observed in sensitising the public to the problems of national minorities and vulnerable groups as well as for housing care for returnees, sanctioning of hate crimes and the protection of asylum seekers, asylees and aliens under subsidiary protection. In addition to the institutions of ombudspersons, the system of protection of human rights has been supported by other institutional mechanisms as well: the Office for Human Rights and the Rights of

National Minorities (OHRRNM - the central body for collecting data in cases of hate crimes, the initiator and coordinator of the preparation of the National Programme for the Protection and Promotion of Human Rights), the Human Rights Commission, county co-ordinations for human rights, gender equality coordinators in state administration bodies, county commissions for gender equality and the National Committee for Education on Human Rights and Democratic Citizenship.

**97.4. Take measures to strengthen the national human rights institutional framework, in particular by allocating the necessary financial and human resources to ensure effective implementation of the mandates of various human rights mechanisms already established (Algeria);**

- (See 96.1).

**97.5. Strengthen the independent status of ombudspersons and provide the necessary resources for their effective functioning (Hungary);**

- Amendments to the Constitution (2010) and to the legal framework (2012) created the formal prerequisites for the strengthening of the institutions of ombudspersons for the purpose of promotion and protection of human rights and the protection of citizens from unlawful and improper operation of the state administration, local and regional self-government, legal persons with public powers and courts (respect for the principle of reasonable time).

- The jurisdiction of the Ombudsperson extends to the promotion of human rights and the possibility of delegating certain powers to natural and legal persons. The Ombudsperson Act reinforces the coordination with special ombudspersons (Ombudsperson for Gender Equality, Ombudsperson for Persons with Disabilities and Ombudsperson for Children), governs the merger of the Centre for Human Rights, and strengthens the powers with regard to courts. Based on the new regulations, it provides recommendations to state administration bodies for improving the system of protection of human rights, and the OHRRNM reports on their implementation. The new Ombudsperson was elected in 2013.

- The position and visibility of the institution, especially as the central body to combat discrimination has been further strengthened by projects funded by the EU (campaigns, workshops, discussions).

- In addition, pursuant to the Act on the National Preventive Mechanism against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2011), the Ombudsperson has been vested with the power to perform the duties within the scope of this mechanism.

**97.6. Reinforce the capacity of the Ombudsperson and specialized ombudspersons and their coordination, give appropriate follow-up to their recommendations, and publicize their work among the general public (Belgium);**

- (See 97.5).

**97.14. Continue partnership with civil society organizations in putting in place a legal and institutional system of support for their development (Nepal);**

- Further to the identified functional framework, which is one of the first in this part of Europe, based on the work of three key bodies (the Government Office for Cooperation with Civil Society, the National Foundation for Civil Society Development and the Council for

Civil Society Development) the preconditions for cooperation between the Government and civil society have been continuously improved. Also, the National Strategy for the Creation of an Enabling Environment for Civil Society Development 2012 to 2016 has been adopted, which empowers civil society activities, both legally and financially. The Government Office for Cooperation with Civil Society coordinates and monitors the implementation of tenders for allocation of funding to civil society.

**97.7. Continue its efforts to apply its national programme to the promotion and protection of human rights and the plan of action (Palestine);**

- The Government is committed to the effective implementation of the National Programme for the Protection and Promotion of Human Rights 2013 to 2016 which, along with measures in 30 areas (vulnerable groups, thematic priorities), contains efficiency tracking of the measures and a vision to build a systematic approach. It respects the challenges related to judicial reform, the reform of the human rights protection system, and the prosecution of war crimes. The implementation of measures has been adapted to the capacity of state administration bodies, and the OHRNM coordinates and evaluates the implementation and prepares an annual progress report to be adopted by the Government.

**97.9. Take supplementary measures aimed at the integration of human rights education and training into school curricula, and at training Government officials, as coordinated action along these lines could facilitate better implementation of the existing legal and institutional framework (Morocco);**

- Supplementary measures are taken continuously. The National Committee for Education on Human Rights and Democratic Citizenship provides for a systematic implementation of this type of education at all levels and promotes programmes for education of minorities and resocialisation of young people. Since 2000, it has been gradually developing strategic and development documents and educational legislation. Pursuant to the National Framework Curriculum for Preschool Education, General Compulsory and Secondary Education (2010), civic education and human rights education is implemented through four educational cycles (individual subjects and extracurricular projects in co-operation with the Croatian Education and Teacher Training Agency and civil society), and now, in 2012/2014 its curriculum is being experimentally implemented in 12 primary and secondary schools.

- EU funds have contributed to the education as well. Under the IPA project 'Establishing a comprehensive system for anti-discrimination protection', in 2012, the representatives of state administration and ethics commissioners at courts were trained on anti-discrimination legislation, and representatives of the regional authorities were educated on the employment of national minorities as well.

- There is regular training of judges/state attorneys on the European and Croatian legal framework for combating discrimination, with the aim of building of a system for statistical monitoring and documenting of cases of discrimination and helping the victims.

**97.10. Consider organizing additional human rights training for media employees, judges, prosecutors and police officers (Bosnia and Herzegovina);**

- The National Programme for the Protection and Promotion of Human Rights 2013 to 2016 contains a number of measures for the training of civil servants and other stakeholders (judges, state attorneys, journalists) on the implementation of national and international

provisions relevant to the protection of human rights, in particular with regard to the anti-discriminatory framework significant for the regulation of the status and the rights of vulnerable groups.

- Regarding training for media employees, the Croatian Radio Television (HRT) has conducted a survey on the attitudes of employees on the promotion of gender equality in the programme contents, and the Government Office for Gender Equality translated, published, presented and widely disseminated two publications for the training of journalists and editors concerning: the combating gender stereotypes and strengthening gender-sensitive journalism (CoE) as well as the inclusion of gender equality in the journalist profession (the International Federation of Journalists).

- In 2011/2012, the Judicial Academy (JA) organised training for judicial officials (30 participants in 2011 and 100 participants in 2012) on the implementation and harmonisation of legislation with the European Convention on Human Rights. In 2011, a training on LGBTIQ discrimination was conducted (30 participants), and in 2012, a total of 22 trainings on combating discrimination and on gender equality were conducted (215 participants).

- Human rights are covered by the secondary school programme of adult education for the police profession at the Police School (including humanitarian law, EU law, etc.), in terms of the contents of the course with the same title, or as part of other courses. In addition, the programme covers education on the Constitution, misdemeanour law (asylum, domestic violence) and criminal law (hate crimes, crimes against humanity and human dignity - terrorism, slavery and trafficking in human beings). There is also training on 'police powers' (special application to children and aliens; ethics and code of conduct) and practical training for the treatment of the above mentioned. Specialised courses have been introduced (trafficking in human beings, hate crimes, etc.), as well as the following courses at the Police College: Human Rights and Police Powers, and Human Rights and Police Ethics (45 hours each).

## DISCRIMINATION

### **97.17. Continue taking measures to prevent discrimination, intimidation and reprisals in accordance with international human rights standards, through more efficient implementation of relevant legislation (Hungary);**

- The Government continues to implement anti-discrimination measures and invests efforts to combat discrimination pursuant to the Constitution and the Anti-Discrimination Act (2009), which covers the EU directives (equal treatment in employment; equality regardless of ethnicity). There is continued promotion of equality as the highest value of the constitutional order. The victims of discrimination are guaranteed various lawsuits in order to ensure judicial protection. Also, the 'intervener' institution on the side of the victim and the collective complaints of discrimination strengthen the protection of citizens exposed to greater risk of discrimination. The Act guarantees the protection of victims and witnesses of discrimination and defines a wide range of persons who are obliged to notify discrimination. In 2012, the Act was aligned with the *acquis communautaire* (the exceptions to the prohibition of discrimination).



- The Government also continues with the effective implementation of the Gender Equality Act (2008), which provides for a general prohibition of discrimination on grounds of gender, marital or family status and sexual orientation (in the area of employment, labour and education), and continues with the support for raising awareness of equality between men and women.

- In addition, anti-discrimination provisions have been integrated in the Constitutional Law on the Rights of National Minorities (CLRNM), the Labour Act, the Act on Same-Sex Unions, the Criminal Code (effective prevention of all forms of discrimination in the criminal proceedings), the Free Legal Aid Act and the National Programme for the Protection and Promotion of Human Rights 2013 to 2016.

- The OHRRNM continues to coordinate activities related to the National Anti-Discrimination Plan 2008 to 2013 (strategic document for the improvement of the anti-discrimination system in the area of family and social welfare, education, labour and employment, health care, national minorities and the protection of aliens) and the National Programme for the Protection and Promotion of Human Rights 2013 to 2016.

**97.20. Step up its initiatives which are specifically targeted towards implementing the National Anti-Discrimination Plan, in particular to promote awareness on non-discrimination, intercommunity harmony, mutual respect and tolerance (Algeria); continue the efforts to implement the National Anti- Discrimination Plan 2008-2013 (Indonesia);**

- In accordance with the reports related to the National Anti-Discrimination Plan, progress has been made in respect of the system of the protection against discrimination and in its prevention and suppression, with significant contribution of EU projects. The implementation of this Plan resulted in the adoption of additional strategies and programmes in the field of human rights and the protection of vulnerable groups.

- The Croatian Presidency of the Decade of Roma Inclusion 2005-2015 (1 July 2012 to 30 June 2013) contributed to the progress with two conferences: ‘Linking the historical experience of the Roma in Europe, with the promotion of non-discrimination of Roma’ (the Holocaust of the Roma and the culture of memory on the sufferings in World War II, with the presentation of the EU legislation to prevent discrimination, and examples of anti-discrimination in practice) and ‘Activism and participation of young Roma’, with a view to their inclusion in all levels of decision-making and combating discrimination.

**97.30. Move forward in establishing a system of monitoring and systematic repression of hate crimes, noting that this question is one of the Government’s priorities (Morocco);**

- An efficient mechanism has been established, attracting attention in the region, and beyond. The OHRRNM, as a central body for the collection and publishing of data on hate crimes, coordinates the Working Group for Monitoring Hate Crimes (2010), which analyses and monitors the implementation of anti-discrimination legislation, and coordinates data collection and interagency cooperation. In 2011, on proposal of the OHRRNM, the Government adopted the Code of Conduct in the Case of Hate Crimes with the aim of empowering the bodies involved in the detection, prosecution and monitoring of the results of the proceedings. A special form has been developed for the statistical monitoring of misdemeanours and criminal offenses for the purpose of data collection by the Ministry of the Interior, the State Attorney's Office and the Ministry of Justice. The Ministry of Justice has

defined a unique sub-label for misdemeanour courts for offenses motivated by hatred (in particular for Article 18 of the Public Assembly Act).

**97.73. Work with and through media to promote tolerance among all citizens of Croatia, and take measures to address the stereotyping of some groups of citizens based on their origin (Bosnia and Herzegovina);**

- Continuous efforts have been made through the legal framework (the HRT Act commits to tolerance, understanding and respect for diversity, privacy and dignity and reputation and honour of persons, as well as to political and religious pluralism), as well as through anti-discrimination campaigns (TV commercials, Internet banners), projects (IPA 'Establishing a comprehensive system for anti-discrimination protection' with five regional roundtables with participation of the media which contributed to raising awareness on the occurrence, prevention and mechanisms of discrimination by electronic and printed reports).

- (See 98.15).

**98.15. Promote anti-discrimination through awareness-raising campaigns on legislation among workers, employers and the judiciary (Norway);**

- The OHRRNM coordinated the preparation of the National Programme for the Protection and Promotion of Human Rights 2013 to 2016 in 30 priority areas. Combating discrimination is a priority that has been transversely intertwined in a series of objectives and measures aimed at raising public awareness on the issue of discrimination in all areas (including labour and employment conditions) and on the ongoing training for more efficient implementation of anti-discrimination legislation.

- As best practice examples, we present the projects from the Community Programme for Employment and Social Solidarity - PROGRESS, which involved the Croatian Employment Service (CES):

- The 2010 project 'Promoting Equality in the Croatian Labour Market' (the CES, in cooperation with the OHRRNM and research institutions) resulted in a 'Collection of good practices to combat discrimination and promote diversity in the labour market' and the 'Guidelines' with the same title for the inclusion of anti-discrimination in the programming and implementation of labour market policies. A survey was conducted among the unemployed and employers on discrimination on six grounds (gender, age, disability, ethnicity, religion and sexual orientation).
- The 2011 project 'Promoting Diversity in the Croatian Labour Market' (OHRRNM in partnership with civil society and the Institute for Labour Market Development) aimed at strengthening the capacity of stakeholders in the labour market (employers, the CES, trade unions, the human rights coordination and gender equality commissions), management of diversity and raising awareness about discrimination.
- In 2012, five regional round tables were organised under the Project 'Equal in Diversity' (OHRRNM, the CES and the Office of the Ombudsperson), with three components: Strengthening labour market stakeholders for the implementation of anti-discrimination principles, Counselling employers on anti-discrimination and diversity and Anti-discrimination campaign at the national level. A network of regional anti-discrimination contact points has been created with the aim of informing and

counselling as well as networking with the Ombudsperson (central national authority for combating discrimination). Employers are provided support for the development of anti-discrimination tools for human resources management and individual training on identifying discrimination. A brochure of examples of anti-discriminatory practice has been published.

- Within the framework of the IPA project 'Establishing a comprehensive system for protection against discrimination' (OHRRNM in partnership with the Office of the Ombudsman), the training of representatives of the institutions involved in the implementation of the Anti-Discrimination Act was conducted in 2012, including: judges, public attorneys (training on European and Croatian legislation on discrimination) and ethics commissioners in the courts (special education). Through the Police Academy (PA), in the Academy of European Law (Trier), nine judicial officials were trained on the EU directives in the area of discrimination in a three-year period. In 2011, 29 judicial officials participated in a JA seminar 'Together against Discrimination against LGBTIQ Persons'.

#### **97.27. Continue to combat racist and xenophobic attitudes (Germany);**

- The Government has been continuously working on combating discrimination, racism and xenophobia and has improved the situation by implementing strategic documents, such as the National Programme for the Protection and Promotion of Human Rights 2013 to 2016, with priorities on combating racial and other discrimination and the Action Plan for the Removal of Obstacles to the Exercise of Individual Integration Rights in the Area of Integration 2013 to 2015, with measures to control and prevent discrimination, racism and xenophobia towards asylees and aliens under subsidiary protection. The OHRRNM continues to fund civil society projects aimed at combating discrimination.

#### **98.18. Strengthen the efforts aimed at ensuring equal access to citizenship (Poland), and ensure that the administrative procedures and legislative provisions on citizenship do not put at a disadvantage persons of non-Croat ethnic origin (Poland; Finland);**

- Croatia has not accepted the recommendation. Privileged naturalisation of certain groups of aliens in acquiring citizenship is an inherent right of every sovereign state and in the protection of its interests. Croatia does not derogate from the general principles of international law on citizenship and is not an exception in the international community. Nevertheless, all aliens, subject to the fulfilment of statutory requirements under the same conditions, can acquire Croatian citizenship by naturalisation, in the regular way.

- In addition, with regard to certain categories of aliens, the conditions have been mitigated (see: 97.75).

## TORTURE AND PLACE OF DETENTION

#### **97.28. Carry out as soon as possible the implementation of its legislation on torture and the designation of its national preventive mechanism (Switzerland);**

- In accordance with international obligations, measures are continuously implemented. In the Criminal Code, the provisions of relevant international instruments have been implemented, and this area is also covered by the National Programme for the Protection and Promotion of Human Rights, which is being carried out.

- In addition, Croatia is among the countries that established a national mechanism to prevent torture, and the role of the mechanism has been taken by the Office of the Ombudsperson on the basis of a special act, adopted for this specific purpose.

**97.29. Ensure impartial, full and prompt investigations into all allegations of torture and other cruel, inhuman or degrading treatment, as well as appropriate prosecution and punishment of the perpetrators (Sweden);**

- With regard to reports of torture and other cruel, inhuman or degrading treatment as well as the prosecution, the competent authorities regularly act in accordance with the law and within their powers.

- Police officers (Anti-Terrorism Department) urgently take all possible measures in order to clarify the crimes and identify perpetrators, acting at the same time in accordance with the criminal law as well as the Anti-Discrimination Act (implementation of investigative measures). The State Attorney's Office provides for immediate and complete processing of reports containing information on violations of human rights protected by the CAT Convention, as well as impartial and effective prosecution of the perpetrators.

**97.36. Further improve prison conditions, with a special focus on tackling overcrowding (Azerbaijan); continue legislative and practical efforts to improve living conditions in prison and detention facilities, in particular with regard to reducing overcrowding and ensuring access to health care and education (Austria);**

- Measures have been taken continuously. A new facility for 420 inmates has been built within the Glina Penitentiary (with 7 rooms adapted for people with disabilities), the kitchen has been adapted, and the adaptation of the old building is underway. The old accommodation facility 'Internat' has been completely renovated as a semi-open accommodation, as well as the facility for receiving visitors by inmates, which contributes to better quality care for inmates. The preparations for the extension of the building of the Zagreb Prison have been intensified (loan agreement with the Central European Bank and the preparation of project documentation), and in 2012 the reconstruction of the Bjelovar Prison began, including renovation of the accommodation facilities, the kitchen and the archive.

- The implementation of the IPA TAIB 2012/13 project 'Support to the Croatian Prison System' (EUR 4.69 million) is pending. The project aims at improving infrastructural conditions and training of the administration staff of the Directorate-General for Prison System and its computerisation, and at assisting rehabilitation of juveniles in the Turopolje Correctional Facility.

- The 2013 Civil Service Employment Plan envisages more than 50 new employees within the criminal justice system. The legal framework for enhancing the health system has been improving, and the conditions have been created for the establishment of a special medical institution with different services (family medicine, health care, pharmacy, hospitalisation). By the new Compulsory Health Insurance Act, the persons with permanent residence or granted permanent stay in Croatia, who have been deprived of freedom by a court decision, acquired the status of health insurance beneficiaries.

**97.47. Reinforce safeguards for judicial independence and for the objectivity and impartiality of prosecutors (Hungary);**

- The independence and autonomy of the judiciary is guaranteed by the Constitution and the Courts Act, and in practice it is provided for by the State Judicial Council. Any form of influence on the course and outcome of court proceedings as well as on the judges is prohibited. The court decision may be amended only by a court having jurisdiction on the case, and everyone has to comply with the final judgment. The work of the courts is public, except in cases where the public is excluded.

- In addition to the existing democratic guarantees of independence, measures are taken continuously to empower the judicial profession: the condition for the appointment of judges to the courts of first instance is graduation from the State School for Judicial Officials (acquiring additional knowledge for responsible and independent professional performance), and the basis for further advancement (appointment at higher courts) is a transparent assessment of the judge's performance by the competent court chamber.

**97.48. Continue the implementation of measures to improve the capacity and effectiveness of its judicial system (Slovakia);**

- With the aim of improving the quality, capacity and efficiency of the judicial system, the new Courts Act (2013) provides for the following: a possible referral of cases to another court with subject-matter and territorial jurisdiction for the purpose of equitable burden sharing; introduces the Annual Report to be submitted by the President of the Supreme Court of the Republic of Croatia to the Croatian Parliament on the work of the judiciary (it can draw attention to the performance of the judiciary, organisational problems, shortcomings in legislation and propose improvements to court performance); and obliges the presidents of higher courts to supervise the work of judges and courts in the area of their competence and to prepare monitoring reports (which are forwarded to the presidents of the monitored courts, the president of the Supreme Court of the Republic of Croatia, the State Judicial Council and the Ministry of Justice).

- The presidents of the Courts are obliged to submit an annual schedule of operations of their courts to the president of the immediately higher court and to the Ministry of Justice, and to conduct regular supervision of the operations and prepare monthly reports on the results. They submit annual reports on administrative affairs and the efficiency of the court in solving the cases (including the examination of the merits of the parties' requests for the protection of their right to trial within a reasonable time) to the immediately higher court, the State Judicial Council and the Ministry of Justice.

**97.49. Allow for more transparency with regard to the selection of judges (Germany);**

- Amendments to the State Judicial Council Act (2013) have provided for greater transparency in the selection process for judges, so that the judicial positions are filled in accordance with the respective employment plan followed by a prescribed explanation of each decision (the score attained in the structured interview).

**97.50. Intensify efforts to improve efficiency of the judiciary; by implementing legal and organizational measures to prevent undue court delays and reduce the backlog before the courts; improving physical infrastructure and computerization of courts; and the**

### **continuation of the rationalization of municipal and misdemeanour courts (United Kingdom);**

- Continuous measures have been taken. In order to solve old cases, the obligation of taking cases according to the order of receipt has been stipulated, while a novelty (at bigger courts) has been introduced in the form of the Manager of Court Administration, to support the timeliness and efficiency. The Action Plan for the Implementation of the Strategic Guidelines of the Strategy for the Development of the Judiciary 2013 to 2014 aims at intensifying the measures to reduce the backlog of cases and to shorten the length of proceedings.

- By the new Courts Act, the legal concept of the constitutionally guaranteed right of the parties to a timely trial has been worked out on the basis of procedural requirements for the protection of the right to trial within a reasonable time, and the request for adequate compensation for the infringement of this right.

- After a functional merger, conducted pursuant to the amendments to the acts on the seat and territorial jurisdiction of judicial bodies (adopted by 2011), the rationalisation of courts and state attorney's offices in terms of physical merger has continued, according to the dynamics of the Ordinance (with 2019 as the deadline). For example, ten such mergers were carried out in 2013.

- There have been continuing activities aimed at improving the physical infrastructure within the available financial resources. Computerisation has continued - the establishment of an integrated management system for court documents (e-File), in all county, commercial and 65 municipal courts. The computer equipment of land registry offices in the municipal courts is being upgraded, in line with their networking into a shared information system.

### **97.15. Enhance the fight against corruption (Germany);**

- The amendments to the Criminal Procedure Act have accelerated the proceedings in corruption cases and established an effective system of detection, prosecution and punishment of perpetrators of corruption offences through the 'USKOK vertical' (specialised court departments, the state attorney's offices and police bodies for combating corruption). Significant results have been achieved in organised crime and corruption cases (including high ranking officials), resulting in an increased number of indictments and convictions in 2012. A track record for the results of investigations, prosecution and court judgements has been established, and seizure and freezing of proceeds of crime has been provided for. In addition, the capacities of the Independent Sector for Combating Corruption of the Ministry of Justice have been reinforced.

- The new legislation continues to strengthen the anti-corruption framework: the Act on Prevention of Conflict of Interest introduces verification of asset declarations of state officials, reinforces prevention and professionalises and depoliticises the Commission for Conflict of Interest (2013); the Act on Right to Access to Information has introduced a new legal concept - the Information Commissioner, and provides for protection before administrative courts; the Public Procurement Act also strengthens the present framework in this area.

- The Political Activity and Election Campaign Financing Act has established a single legal framework for the election campaigns and transparent control over the financing of political parties (the highest amount of donations has been set, political parties and independent

candidates have a separate account for the financing of election campaigns). The State Electoral Commission monitors the financing of election campaigns, while the National Audit Office conducts an annual audit of the political parties. The (punitive) sanctioning of political parties and responsible individuals has been reinforced.

## FREE LEGAL AID

### **97.52. Continue providing free legal aid to the most vulnerable citizens (Pakistan; Palestine);**

- The improvement of access for this category of citizens is pending (see 97.53).

### **97.53. Carry out an independent assessment on the effectiveness of the law on free legal aid and, depending on the results thereof, take the measures required to guarantee that the most disadvantaged among the population have access to effective, comprehensive and non-discriminatory legal aid (Belgium);**

- The analysis of the current free legal aid system indicated the need for improvement, and the Free Legal Aid Act was submitted for parliamentary procedure in July 2013.

- The Act provides for access to primary legal aid by compliance with minimum legal preconditions (without meeting special property census criteria), whereas the property criteria for the entitlement to secondary legal aid have been mitigated. The coverage of primary legal aid has been extended (to include: general legal information, drafting of submissions to the European Court of Human Rights and international organisations), and the circle of beneficiaries has been expanded: to permanently residing aliens (the assumption of reciprocity has been abandoned), to foreign children located in the Republic of Croatia without the company of a parent or legal guardian.

### **98.10. Take necessary measures in order to guarantee to everyone who requests it, including those belonging to minorities, access to legal aid (France);**

- The exercise of such rights and the guarantee of access to free legal aid are carried out on the principle of equality of all citizens, which includes members of national minorities.

### **98.11. Amend the strict eligibility requirements of the Free Legal Aid Act so that all who need it can make use of its provisions (Netherlands);**

- Croatia has not accepted this recommendation, given the lack of its precision in the part referring to "all who need it," because Croatia considered it was necessary to meet certain legal preconditions. Nevertheless, regardless of the present status of this recommendation, the legislation in this area has been upgraded, in particular in the context of the "minimum statutory requirements" (see 97.53).

## FREEDOM OF MEDIA

### **97.60. Further enhance measures to guarantee freedom of the press, by investigating acts of intimidation and aggression against journalists in accordance with recommendations of the Human Rights Committee (Chile);**

- In accordance with the recommendations of the Human Rights Committee, the State Attorney's Office has improved the procedure in case of intimidation and attacks against journalists. It has been keeping separate records since 2010 (with tracking since 2008), and pays special attention to the prosecution of perpetrators. The elements of the case (number, state attorneys' actions, the outcome of the proceedings, the description of events) are reported to the Ministry of Justice. The report on attacks on journalists and media owners was delivered to the Croatian Journalists' Association, with the aim of drafting the White Paper in 2011 (with supplements by 1 June 2013). A total of 11 final judgments (seven convictions, one acquittal, three denied) and four non-final judgements were reported.

**97.61. Take necessary measures in order to ensure effective protection of journalists and to prevent and punish threats and acts of violence of which they are victims (France); take concrete measures to ensure that justice is served in cases of threats and intimidation against journalists and that freedom of the press is guaranteed (Switzerland);**

- (See 97.60).

**97.62. Adopt legislative measures necessary to strengthen access to public information (Mexico);**

- The situation has been improved by the new Act on the Right of Access to Information (2013) which was adopted in full cooperation with civil society, and which, in addition to the right of access to information held, at disposal of or controlled by the public authorities, prescribes the principles of public and free access, integrity and accuracy of information and equal access.

**97.63. Implement a system of fines to be applied when public authorities do not respond adequately to requests for information (Netherlands);**

- The Act on the Right of Access to Information regulates the subject matter in a comprehensive and detailed manner and provides for misdemeanour measures in cases where the exercise of the right to information has been impeded or limited, both for the authorities (a fine of up to 100,000 HRK) and for the responsible persons therein (up to 20,000 HRK).

## WOMEN & DOMESTIC VIOLENCE

**97.18. Strengthen efforts to eliminate discrimination against women, including in the labour market (Ecuador); adopt measures to promote gender equality and non-discrimination, particularly in the area of employment (Iraq);**

- The reduction of unemployment and the elimination of discrimination against women in the labour market is one of the objectives of the National Policy for Gender Equality 2011 to 2015, which contains measures for reducing the pay gap and supporting women's entrepreneurship and the balancing of family, private and professional obligations. In accordance with the obligations set out in the National Policy, the competent authorities continue their research and analysis and are improving the quality of statistical data on the status of men and women in the labour market, as well as raising awareness of stereotypes and barriers to economic empowerment of women, including the celebration of the European Equal Pay Day.



- In addition, according to the National Employment Promotion Plan 2011 to 2012 and the Strategy for Women's Entrepreneurship 2010 to 2013, other measures have been implemented to reduce the unemployment of women and to eliminate discrimination in the labour market. The female population, particularly the less educated, the victims of violence, the long-term unemployed and members of national minorities, have been singled out as a vulnerable group among the unemployed, but also as a great potential for the development of entrepreneurship.

**97.19. Take measures to increase the participation of women in public and political programmes for the empowerment of women, and reinforce measures to ensure equality between women and men in all spheres, including through more effective implementation of relevant legislation (Ghana);**

- Promoting the participation of women and ensuring gender equality is one of the achievements of the Gender Equality Act and the National Policy for Gender Equality 2011 to 2015, whose Action Plan has established thematic areas (promotion of women's human rights, gender equality, equal opportunities in the market, gender-sensitive education and equality in decision-making in political and public life as well as women's actions and decision-making in sports).

- County assemblies have undertaken to adopt action plans. Equal representation is respected in appointments to supervisory and management boards (underrepresentation of one sex must not be below 40 %). The Government Office for Gender Equality monitors the implementation of the measures and reports to the Government biannually.

- The Office continually promotes the visibility of women in public and political life. Before the parliamentary (2011) and local elections (2013), the Office conducted campaigns to increase women's representation in political bodies (promotional videos, financial support to civil society projects, conferences, debates, etc.). There is systematic monitoring of gender statistics with public access (25 % of women parliamentary representatives; 20.7 % of women councillors in county assemblies, 23.1 % of women councillors in city councils and 15.7 % women councillors in municipal councils).

**97.64. Continue its efforts to increase women's representation in public and political life (Azerbaijan);**

- (See 97.19).

**97.65. Further adopt policies and measures for the advancement of women and against their discrimination, with a view to a reduction in female unemployment and the elimination of wage differentials (Brazil);**

- One of the forms of discrimination against women in the context of work environment is sexual harassment in the workplace experienced by many women. In 2012, the Government adopted the Code of Conduct in Cases of Sexual Violence, developed in collaboration with civil society and the public, aimed at ensuring immediate, compassionate, culturally and gender-sensitive assistance and support of relevant institutions to the female victims of sexual violence (including in the workplace).

- The National Policy for Gender Equality 2011 to 2015, with its accompanying Action Plan provides the framework for a policy of equal opportunities in the labour market and the protection of women's rights, as well as participation of women in all aspects of social life, and also includes measures to reduce the pay gap (see 97.18). The European Day of Equal

Pay is marked, and statistical indicators on the pay gap between men and women are collected, processed, analysed and distributed with the aim of adopting further measures to reducing it.

**98.16. Develop programmes to raise awareness on legislation, in the area of gender equality between workers, employers and the judiciary, strengthen the existing measures, and promote new measures to combine family responsibilities with work (Spain);**

- Efforts continue to be made in developing programmes to spread awareness about legislation in the area of gender equality, as well as to promote new measures aimed at balancing family responsibilities with work. (For more info, see 97.18). The work of civil society organisations aimed at increasing knowledge and awareness of women's human rights and gender equality is funded.

- Legislation is continuously updated and harmonised with EU directives relating to family leave and gender equality in the market, in selecting occupation and receiving wages. For example, the amendments to the Maternity and Parental Benefits Act adjust the duration of parental leave, stipulate the conditions for the use of rights by only one parent, equate the duration of adoptive parent leave and parental leave, etc. The Act on Temporary Jobs (regulation of small and temporary jobs) which will enable working women to legally hire help at home, is in preparation.

- The National Family Policy is in preparation. It includes measures related to the family and the labour market as well as family support network and services. The new Act on Nannies contributes to balancing family and work responsibilities (regulation of activities).

- The National Employment Promotion Plan includes projects for the employment of particular groups. For single mothers, mothers with four or more children, mothers of children with special needs, and mothers of children suffering from malignant diseases, 100 % of gross salary for 12 months is provided for.

- The measures of the National Policy for Gender Equality 2011 to 2015 are continuously implemented with a view to establishing actual gender equality and the implementation of equal opportunities and protection against gender discrimination. The balancing of private and professional obligations is encouraged (equal division of household/family responsibilities and parental responsibility, parental leave of fathers). Promotion of the organisation of pre-school education of children in parents' places of employment, as well as raising awareness of the importance of the principle of equal pay for equal work has been envisaged as well. The measures include systematic collection and tracking of statistics on the position of women in the market (difference between the sexes).

**97.31. Prosecute and convict perpetrators of domestic violence (France);**

- The State Attorney's Office implements effective prosecution of perpetrators of domestic violence and maintains separate records by: the sex of the defendant, gender and age of the victim; types of state attorneys' action and the type of judgment. Records are kept on other criminal offences with elements of violence if the victim is a woman, with particular attention paid to the method of interrogating the victims and avoiding secondary victimisation, which is particularly important in the case of rape.

**97.32. Ensure prosecution and punishment for acts of violence against women (Ecuador);**

- (See 97.31).

**97.34. Implement an effective law to protect the women and child victims of domestic violence (Indonesia);**

- A solid legal framework has been built including the Act on Protection against Domestic Violence, which stipulates the procedural framework (definition of violence, purpose, sanctions, etc.) and the National Strategy for Protection against Domestic Violence 2011 to 2016, followed by organisation of lectures, panel discussions etc., with the aim of raising awareness about the problem of domestic violence. Taking into consideration the need of special care for victims of domestic violence, the competent authorities prevent domestic violence and violence against women and mitigate its consequences. Civil society organisations that protect victims of domestic violence receive financial support. Funding is also provided for shelters for women and children (victims of domestic violence) as well as for direct assistance to victims through social welfare centres and family centres.

**97.12. Continue its efforts in protecting the rights of women and children (Egypt);**

- Croatia continues its efforts to protect the rights of women (see: the entire Chapter).

- For the protection of children see the next Chapter.

## RIGHTS OF THE CHILD

**97.13. Guarantee the exercise of the economic, social and cultural rights of children (Ecuador);**

- In the context of the current financial crisis, the Government pays special attention to maintaining the level of care for children, and in all the key areas seeks to avoid restrictive measures which might reduce the rights of the child. In this regard, the Government is working on joint projects in partnership with civil society organisations and the UNICEF.

- Croatia is a party to all key international instruments in the field of promotion and protection of the rights of the child. The finalisation of the process of signing the Optional Protocol to the Convention on the Rights of the Child on the complaints mechanisms is pending. The Optional Protocol will strengthen the immediate protection of the rights of the child. With regard to the forthcoming review of the Third and Fourth National Report under the Convention on the Rights of the Child, it will be possible to check the scope of practice during its presentation before the Committee on the Rights of the Child.

- (See 96.5)

**96.5. Consider the possibility of strengthening targeted social assistance to low-income families with children (Belarus);**

- This population has been recognised as a socially vulnerable category. The Government has increased the amount of subsistence allowance in relation to the number of children and their

age. In addition, the child of a single parent has been allocated an increased amount of support allowance given such circumstances.

- Social assistance is provided through the support for education (for textbooks, for the transportation of high school students whose families are entitled to subsistence allowance, for accommodation in a dormitory if the family is entitled to subsistence allowance or the average monthly income is below the threshold, for university studies if the children were beneficiaries of the right to permanent accommodation).

- The new Social Welfare Act, which has already passed the public hearing procedure that resulted in additional proposals in November 2013, and which is to enter into force on 1 January 2014, will be particularly sensitive to single parents and everyone who might fall into poverty.

**97.59. Strengthen policies on the rights of the child, with attention to the Guideline for the Alternative Care of Children, according to Human Rights Council resolution 11/7 and General Assembly resolution 64/142 (Brazil);**

- With the upcoming adoption of the Strategy for the Protection and Promotion of Children's Rights 2013 to 2020, the children's rights policies will be enhanced according to the relevant international documents. The Strategy will focus on four strategic objectives - children customised services, the elimination of violence against children, children in vulnerable situations and the participation of children.

- The process of deinstitutionalisation of public care for children and the transformation of social care homes as well as the process of developing services in the community is ongoing. The plan has envisaged that 80 % of children will have been placed in foster care by 2016. The social care homes have created individual plans with the schedule of support to the children after leaving the care facilities. Two of three IPA projects are currently implemented aimed at supporting deinstitutionalisation – with the aim of increasing the involvement of beneficiaries in the social welfare system and providing support to professionals in the social welfare system. Specialised projects are implemented to improve the capacity and quality of work of professionals employed in the homes for children and youth with behavioural disorders, and for capacity building in the process of development of foster care for children.

**97.66. Pursue its ongoing positive efforts to promote and protect the rights of children in the area of access to health and education, as well as to ensure the empowerment of women (Cuba);**

- With regard to education on the principles of the best interests of the child, the situation has been continuously improving, particularly in the context of establishing optimal, efficient and flexible network of institutions, as well as the access to education at all levels. In addition, the subsidising of short-distance transportation for high school students ensures access to education for students outside of urban centres, and the system of scholarships and study subsidies ensures the availability of higher education for those of lower social and financial status.

- In addition to meeting the legislative priorities with regard to ensuring access to health care, measures have been carried out in accordance with the National Policy for Gender Equality 2011 to 2015, aimed at raising the quality and accessibility of health care for women and girls (improvement of prevention and early detection of malignant diseases, preserving

reproductive health of women, awareness about sexually transmitted diseases and prevention and effective protection).

- As of this school year, based on the decision of the Minister of Science, Education and Sports, health education is carried out according to four modules in primary and secondary schools: a healthy life, prevention of violence, prevention of addiction, sexual education.

- With regard to access to education for children with disabilities (see 97.11).

**97.69. Tailor and design tuition in special schools on the basis of the child's individual needs rather than ethnicity (Finland);**

- The need for individual approach has been recognised. A total of 18,816 students with disabilities (5.61 %) are educated in regular or special institutions, which is accomplished through programme and professional support, spatial, pedagogical and didactic adaptation, including additional rehabilitation programmes. The aim is to make education accessible to students with disabilities, achieve their social inclusion and representation in the education system and society as a whole. For specifics of education for children of members of minorities (see 96.6, 97.67 and 97.68).

**96.6. Give special attention to educating Roma girls, many of whom are often unable to finish school because of their gender (Finland);**

- In the area of education, the specifics of the Roma girls' education are taken into account. The above is reflected in the number of Roma children in the education system at the beginning of the school year 2012/2013: early childhood education 455 (222 girls and 233 boys), preschool 356 (170 girls and 186 boys), primary school 5173 (2561 girls and 2612 boys), first year of vocational schools (3-year programmes) 480 (194 girls and 286 boys), while their total number in the secondary school education system was 503 (207 female and 296 male students). As an indicator, the number of students in primary schools with almost equal percentages by gender has quadrupled since 2005.

- In addition, further improvements have been envisaged in the strategic documents (the Strategy and the Action Plan for Roma) in the part in which they cover Roma education relating to the prevention of early school drop-outs and the encouragement of employment of educated Roma (see 97.67).

**97.33. Strengthen effective legal and administrative measures to address all forms of violence against children and, in particular, discrimination against children belonging to minorities, especially Roma and foreign children (Bangladesh);**

- The legislative framework, which has been aligned with the international framework (referring to the Council of Europe instruments, i.e. the ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2011, and the signing of the Convention on Preventing and Combating Violence against Women and Domestic Violence in 2013), regulates the framework of activities in this area. The new Act on Protection against Domestic Violence and the National Strategy for Protection against Domestic Violence 2011 to 2016 have reinforced interagency coordination.

- A number of measures have been implemented. In accordance with the National Strategy for the Prevention of Behavioural Disorders of Children and Young People 2009 to 2012, the Ministry of the Interior has carried out a series of preventive measures in order to achieve

optimal conditions for the youth. In addition, the Međimurje Police Administration adopted the Programme of Preventive Measures to Enhance Security and Strengthen the Social Inclusion of the Roma.

- With regard to combating discrimination against Roma children, the following are listed as examples of best practice: the implementation of the project 'I Have a Choice' in the schools in Zagreb and the Međimurje County (Ministry of the Interior and the UNDP, in collaboration with civil society and the Croatian Red Cross) aimed at the socialisation of Roma children (teaching the culture of dialogue, nonviolence, human rights, tolerance and non-discrimination) and the creation of a positive attitude towards the police officer as a helper. We also remind of the implementation of the strategic document for the Roma (see 97.23).

**97.67. Ensure equal access to quality education for Roma children (Finland);**

- Measures are taken for a better inclusion of Roma children in the educational system. Along with the current Strategy for Roma inclusion, and its accompanying Action Plan for the current biennium, measures have been adopted for the sustainability of inclusive educational policies for the Roma and the funding has been provided. For example, Roma parents receive co-funding for early childhood education of their children in the kindergarten. In order to support pupils' progress through primary school, the following is co-funded: the extended stay in schools, extra-curricular activities, supplementary learning of the Croatian language, and the engagement of Roma assistants. In high schools, all Roma students receive scholarships of HRK 5,000 per year (students repeating a year receive HRK 3,000). Scholarships are provided for university students – HRK 10,000 per year, if they declare themselves as members of the Roma minority. With regard to the identified problems, the high drop-out rate as well as pure Roma classes still appearing in practice, efforts will continue to be made to improve the conditions for the suppression of these phenomena (see 96.6).

- Within the framework of the Croatian presidency of the Decade of Roma Inclusion 2005 to 2015, special attention has been paid to the education policy and the position of the Romani language (see 97.23).

**97.68. Reach out to the parents of Roma children to make sure that they fully understand the importance of education and, in this effort, use school assistants with a Roma background (Finland);**

- In addition to the existing documents, additional measures are being implemented for the execution of the judgment of the European Court of Human Rights in the case *Oršuš et al.*, as well as measures of the Action Plan for Preschool, Elementary, Secondary and Higher Education of the Roma and Adult Education of the Roma Minority.

- The new curriculum of civic education (pilot implementation) and the involvement of Roma assistants, both support the implementation of the principle of diversity and tolerance in schools.

**97.35. Step up the education and awareness-raising campaigns so as to prevent ill treatment of boys and girls, in accordance with recommendations of the Committee on the Rights of the Child (Chile);**

- In accordance with the recommendations of the Committee on the Rights of the Child, the Code of Conduct in Cases of Violence among Children and Youth has been adopted, which contributes to solving the problem 'of violence among children and youth' and raising public

awareness. It includes the obligations of Government bodies and the definition of ‘bullying’, which includes ‘conflicts’ without the elements of a criminal offense.

- In October 2013, the Ordinance on the Procedure followed by educators in taking measures to protect the rights of students and notifying any violations to the competent authorities, was adopted. In addition, a conference on violence in schools was organised, through live broadcasting, which included experts, teachers and principals and the public, who were able to ask questions. The key issues and risks for the occurrence of violence were identified as well as the prevention priorities.

- The National Strategy for the Protection and Promotion of Children's Rights 2013 to 2020 (pending) envisages measures in the area of sexual violence, trafficking of children, corporal punishment, gender-based and domestic violence, violence in schools and public spaces (including the media and the Internet).

**98.12. Enact legislation to ensure that imprisonment is used only as a last resort when sentencing all juvenile offenders, ensure that they are held separately from adult offenders, and provide systematic resource realization support to them (Austria);**

- Through the application of advanced standards on the principle of protecting the best interests of the child, as well as the principle of opportunity, juvenile imprisonment is used as a last resort when sentencing this category of offenders.

- Therefore, only the older minors (who were 16-18-years old when committing the crime) may be imposed a prison sentence, and minors (14-16) can only be imposed educational and security measures. Juvenile imprisonment (usually 6 months - 5 years) may be imposed only for offenses for which a punishment of imprisonment of three years or more is stipulated, and when the nature and gravity of the offense and the high degree of guilt does not justify the imposition of an educational measure. There is the possibility of retention of a juvenile prison sentence, where the court finds that the imposition of guilt and the threat of subsequent sentencing may deter the juvenile from committing new offenses. Statistically, juvenile imprisonment is rarely used. It is served in a special ward in the Požega Penitentiary (closed/semi-open conditions) and the Valtura Penitentiary (open conditions). The educational measure is executed in the (Male) Juvenile Correctional Facility in Turopolje, and the (Female) Juvenile Correctional Facility in Požega (both semi-open with special departments for open-type stimulation groups, and closed-type departments of increased care and supervision).

## **PERSONS WITH DISABILITIES**

**97.26. Implement fully the obligations to ensure unhampered enjoyment of human rights by all persons with disabilities (Czech Republic);**

- The recommendation is implemented continuously. The implementation of the plan for deinstitutionalisation and transformation of social care homes has been intensified in order to reduce the number of children in the institutions for children with disabilities (40%), the number of adults with disabilities in the institutions (30%) and the number of mentally ill adults in the institutions (20%). Two stationary facilities with the largest number of beneficiaries with intellectual disabilities, the “Rehabilitation Centre Stančić” and the Zagreb Rehabilitation Centre”, will be transformed into the “Centre for the Provision of Services in

the Community” and the “Social Care Home for Long-term Intensive Care” in order to develop a comprehensive, sustainable and quality community-based service as an alternative for all the beneficiaries who can function in such types of care.

- For the purpose of expert capacity building, the IPA project of support to the deinstitutionalisation of social welfare services is being implemented, and there are projects in preparation (the European Social Fund) focused on the prevention of institutionalisation and on the inclusion of people with disabilities (personal assistant, sign language interpreter, guide for blind persons).

- A step forward was made by the Voter Register Act (2012), which brings persons deprived of legal capacity on an equal footing with the citizens who have the voting right, so that more than 16,000 people have been given this opportunity. In order that all the people placed in institutions could achieve the right to vote in the upcoming elections, a series of concrete actions have been taken (telephone and e-mail support, cooperation with the media and the distribution of information leaflets).

#### **96.2. Implement a more human-rights and community-based approach to the issue of institutionalization of mentally ill persons (Indonesia);**

- The plan for deinstitutionalisation and transformation of social care homes and other legal persons engaged in social welfare services (2011 to 2018) envisages relocating 20% of the beneficiaries with mental impairment out of the facilities. At the same time, organised residential services, which are currently provided by some state homes for mentally ill adults, have been expanded. In 2013, 77 adults with mental illness were deinstitutionalised, 57 of whom have been included in the programme of organised housing with community support, while the others were placed in foster families.

#### **98.8. Reinforce its efforts to protect the rights of people with disabilities and to oversee the work of mental health residential facilities, and amend its legal framework to ensure that it contains human rights guarantees in line with international standards (Canada);**

- Supervision for the purpose of removal of shortcomings is carried out regularly. Two homes for mentally ill adults have been closed: ‘Breznica Đakovačka’ (124 beneficiaries) and the "Family Home Dragočajac" (22 beneficiaries). The principle of individual approach and cooperation with beneficiaries for the purpose of finding a permanent form of care was respected in the process of transfer of the beneficiaries from the facilities.

- The Ombudsperson and the Ombudsperson for Persons with Disabilities regularly visit the beneficiaries and prepare reports with recommendations to the competent ministry to be considered and included in the implementation.

- Croatia has been continuously aligning the legal framework with international standards - the abolition of total deprivation of legal capacity is currently underway.

#### **97.11. Take all necessary measures to protect and promote the rights of persons, notably children with disabilities (Sweden);**

- Steps are taken to promote equal participation of persons with disabilities in political and public life, and a regional seminar was co-organised with the Council of Europe in 2012.



- Children with developmental disabilities are holders of rights on an equal basis with other children. Nevertheless, additional care has been recognised in the strategic documents for children and for people with disabilities. In order to implement the principle ‘School for All’, the education system is being adapted to make it available to everyone. New ordinances pertaining to helping children with disabilities, but also to improving the conditions for gifted children regulate the following: the activity of mobile services for advisory work in special education centres, commitments at the local level involving material and professional support and work programmes for pupils with disabilities.

## TRAFFICKING IN HUMAN BEINGS

### **97.38. Further strengthen the measures to fight human trafficking (Azerbaijan; Nepal);**

- Although the national system for combating trafficking in human beings complies with international and European standards (all relevant international instruments have been ratified), the system has continuously been upgraded through strategic documents in response to the trends.

### **97.39. Strengthen the effective implementation of measures undertaken to combat trafficking, and protect victims of trafficking (Bangladesh);**

- There is continuous evaluation of the system and boosting of inter-agency cooperation under the supervision of the National Coordinator for Combating Trafficking in Human Beings (Head of the OHRNM). Based on the annual report on the implementation of the National Plan for Combating Trafficking in Human Beings, the Government has insight into the status and trends as a basis for further action.

### **97.40. Continue its efforts in the suppression of trafficking in human beings, in particular in women and girls (Pakistan);**

- Further to the specificity of trafficking in women (the sex industry) and children (begging and prostitution) measures of protection have been reinforced and the detection of these cases increased. The National Plan for Combating Trafficking in Human Beings 2012 to 2015 pays special attention to the cooperation of the police and the state attorney’s offices and civil society to ensure early identification and psychosocial, legal and medical assistance and protection in accordance with the national referral system.

### **97.43. Increase efforts to combat trafficking in persons, inter alia, through the development of international cooperation with interested Governments, international organizations and non-Governmental organizations (Belarus);**

- Croatia is intensifying efforts to combat this phenomenon by cooperation with the neighbouring countries and the wider region - by addressing it independently, as well as in the framework of bilateral/trilateral dialogue on human rights (in particular, with Slovenia and Austria).

- Since the establishment of the system for combating trafficking in human beings (2002), there has been successful international cooperation (CoE, OSCE, ICMPD, UNODC, UN mechanisms, the Human Rights Council). EU IPA projects have also been available, which have further reinforced the established system.

- Civil society is a partner and an integral part of the national system for combating trafficking in human beings, as well as of the National Committee for Combating Trafficking in Human Beings and its Operating Team, at the meetings of which civil society has the opportunity to share knowledge and give proposals. Shelters, one for adult victims and one for children, are managed by civil society organisations (funded from the State Budget).

**97.37. Continue to effectively implement the Third National Plan against Trafficking in Persons (Indonesia);**

- The implementation of the National Plan for Combating Trafficking in Human Beings 2012 to 2015 is ongoing, and its effectiveness is evaluated through the established monitoring mechanism (see 97.39).

**96.3. Reflect and take measures on how to make media more responsible in addressing trafficking issues, in order to make an additional input to tackling this scourge (Republic of Moldova);**

- Significant efforts are invested to this end in accordance with the National Plan for Combating Trafficking in Human Beings 2012 to 2015, including the training of media professionals regarding sensitising reporting in order to protect the privacy of victims and avoid secondary victimisation.

**97.42. Strengthen its efforts to combat trafficking in women and children for sexual and other exploitative purposes (Ghana);**

- (See 97.40).

**97.41. Step up its efforts to detect, prevent and combat trafficking in minors for the purpose of sexual or other forms of exploitation, in accordance with recommendations of the Committee on the Rights of the Child (Chile);**

- (See 97.40).

**97.44. Intensify efforts to proactively identify trafficking victims among vulnerable populations, particularly women in prostitution and migrant men in the agricultural sector (United States);**

- In accordance with EU membership, Croatia has been adapting to the international trends in response to the (possible) increase in migration and trafficking in human beings, especially with regard to the transit aspects. The implementation of measures for the early recognition of potential victims of trafficking among vulnerable groups (asylum seekers, irregular migrants, Roma) has been intensified.

**97.45. Strengthen partnerships with non-Governmental organizations to enlist their help in identifying victims of trafficking during authorities' initial contact with potential victims among women detained for prostitution offences (US);**

- The Government has been continuously strengthening cooperation with civil society (see 97.43).

**98.9. Intensify investigations of trafficking crimes in high tourism sectors and other areas with prostitution; aggressively prosecute traffickers (US);**

- In accordance with the current National Plan for Combating Trafficking in Human Beings 2012 to 2015, measures for the identification of victims and the strengthening of cooperation between the police and state attorney's offices have been intensified (including regular meetings) for the purpose of effective prosecution of the crime of trafficking in human beings.
- Targeted training of judges is being conducted - IPA "Strengthening the system of identification of trafficking in human beings."

**97.46. Ensure the responsible repatriation of foreign victims of trafficking (US);**

- In accordance with the Code of Conduct in case of voluntary repatriation of victims of trafficking in human beings, (only) voluntary repatriation is possible (primary jurisdiction of the Ministry of the Interior in cooperation with other Government departments and civil society). Repatriation must satisfy the criteria of safety of the victim, including communication with the relevant authorities in the country of repatriation.

## MINORITIES

**97.21. Take further measures to combat discrimination against minorities, and ensure that they are genuinely put into practice in the field (Switzerland);**

- The Government continues to take measures to combat discrimination against minorities. The implementation of the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities (CARNM) 2011 to 2013 contributes to the measures as well. Around EUR 1,800,000 have been earmarked as a prerequisite for the effective implementation in the given period.

**97.24. Continue its positive efforts with a view to promoting equality and non-discrimination against different national minorities living together in the country (Cuba);**

- In order to protect the rights and ensure the equality for national minorities, efforts have continued to be made to promote equality and non-discrimination. The amendments to the CARNM (2010) explicitly guarantee equality for all national minorities (a total of 22). The opinion of national minority members is taken into account in the amendments to the Act.

**97.72. Intensify efforts to promote inter-ethnic harmony and tolerance among the population (Belarus); make further efforts towards the promotion of tolerance among all citizens, regardless of their origin or ethnic background (Bosnia and Herzegovina);**

- The progress in the exercise of the individual rights of national minority members, including the promotion of inter-ethnic harmony and tolerance regardless of origin or ethnic background is evident from the annual reports submitted by the Government to the Croatian Parliament on the implementation of the CARNM and the expenditure of funds.
- With regard to the training on promoting inter-ethnic harmony and tolerance, including in the field of education in the script and language of national minorities, the work of the OHRRNM and the Council for National Minorities has been intensified. Marking the occasion of the tenth anniversary of the adoption of the CARNM which created a normative framework for the implementation of a comprehensive protection of the rights of national

minorities, a ceremony was held. On the occasion, the analysis of achievements was presented to the present experts, representatives of Government agencies, parliamentary minority representatives, members of minority associations and representatives of local and regional authorities as well as the members of national minority councils.

**97.76. Strengthen effective and transparent measures to prevent and punish all forms of discrimination against minorities. Along the same lines, strengthen the measures to ensure better representation of national minorities in legislative and executive Governmental bodies (Mexico);**

- The new Criminal Code (2013) improves the handling of hate crimes in such a way that any offense can be committed out of hatred. For some offenses the qualifying circumstances are explicitly stipulated, whereas for other offenses this circumstance is considered as aggravating. The Code also contains specific crimes such as: violation of equality (new discriminatory grounds have been introduced: marital or family status, age, health status, disability, genetic inheritance, expression of gender identity, sexual orientation), violation of the right to express national affiliation, and public incitement to violence and hatred.

- With regard to the representation of national minorities in the legislative power (see. 97.77).

- In order to improve the representation of national minorities, the Government set a threshold of 5.5% of minority share in total employment in its Action Plan for the Employment of National Minorities in State Administration Bodies (2011 to 2014). In 2012, a total of 1,752 or 3.378% of members of national minorities were employed in state administration bodies, professional services and Government offices. The efforts to meet the threshold will continue until 2014, especially considering the fact that the Decision prohibiting the recruitment of new civil servants and employees in the state administration bodies, professional services and offices of the Government remains in force, thus prohibiting new employment which has had a significant impact on minority members.

- With regard to the representation of national minorities in administrative bodies of local and regional self-government see 97.78.

- With regard to the representation of national minorities in representative bodies of local and regional self-government see 97.77.

**97.77. Address the remaining shortcomings in the implementation of the Constitutional Act on the Rights of National Minorities, and undertake measures aimed at ensuring effective participation of national minority members in public life and decision-making processes (Ghana);**

- The shortcomings are clearly addressed in the 2012 Report on the implementation of measures from the current Action Plan for the Implementation of the CARNM, which particularly relates to the current barriers to the employment of national minorities (see 97.76), as well as the full exercise of certain rights related to the publication of the census results, where there was a delay.

- Measures are taken to ensure the effective participation of national minorities in public life and the decision-making processes. The right to representation in the Croatian Parliament has been guaranteed. Of the eight representatives of national minorities, three represent the Serbian minority, the Italian, Hungarian, and Czech and Slovak minorities are represented by one each, the Albanian, Bosnian, Montenegrin, Macedonian and Slovenian are represented by

a single one, and the Austrians, Germans, Ruthenians, Ukrainians, Jews, Roma, Bulgarians, Russians, Romanians, Poles, Vlachs and Turks have one single representative.

- National minorities have the right to elect their representative bodies in local self-government units. They influence the policies related to national minorities, suggest measures to improve their position and propose candidates for state administration bodies and local self-government bodies, and give their opinion on media programmes. In the 2011 election for national minority (n/m) councils and individual representatives, 276 councils and 169 individual representatives were elected; 14 councils and 24 individual representatives of the Albanian n/m, 22 councils and 15 individual representatives of the Bosnian n/m, 1 individual representative of the Bulgarian n/m, 7 councils and 6 individual representatives of the Montenegrin n/m, 12 councils and 10 individual representatives of the Czech n/m, 19 councils and 20 individual representatives of the Hungarian n/m, 4 councils and 9 individual representatives of the Macedonian n/m, 2 councils and 6 individual representatives of the German n/m, 1 individual representative of the Polish n/m, 17 councils and 11 individual representatives of the Roma n/m, 2 individual representatives of the Russian n/m, 4 councils and 2 individual representatives of the Ruthenian n/m, 6 councils and 6 individual representatives of the Slovak n/m, 9 councils and 13 individual representatives of the Slovenian n/m, 143 councils and 24 individual representatives of the Serbian n/m, 13 councils and 10 individual representatives of the Italian n/m, 1 council and 8 individual representatives of the Ukrainian n/m, and 1 individual representative of the Jewish n/m. The Act on the Register of Councils, Co-ordinations of Councils and Representatives of National Minorities (2011) regulates the manner of registration, changes and deletions in the Register.

- In the context of further progress, the Government adopted the Decision on the financing of the programmes of national minority councils and representatives in 2012, which relates to the underdeveloped regions: 98 national minority councils are entitled to funding at the amount of approximately EUR 500, and 31 individual representative of national minorities with the same entitlement at the amount of approximately EUR 150.

**97.78. Ensure the effective participation of national minorities in public life, in decision-making processes and in executive and judicial institutions at all levels of governance (Serbia); continue efforts for the appropriate representation of national minorities in public and judicial authorities (Nepal); take measures aimed at fair and adequate representation of all minority groups in all public bodies, including the judiciary and human rights coordination bodies at the country level (Poland);**

- Out of the 97 units (85 municipalities and cities and 12 counties) in which it is required to ensure representation of national minority members in the administrative bodies of local and regional self-government, this right is exercised in full in 62 of them; whereby, in 16 units the members of a certain national minority make up the majority of the electorate. In 2012, there were a total of 12,990 officials and employees (increase by 75) in the administrative bodies of local and regional self-government units: 594 or 4.57 % of members of one of the 22 national minorities (increase by 2), 71 or 0.55 % of unknown ethnicity (increase by 10) and 3 % or 0,023 employees of Islamic affiliation (increase by 1). The majority are Serbs - 331 , and Italians - 90, followed by Bosnians - 43, Hungarians - 32, Slovenes - 25, Czechs - 20, Montenegrins - 15 , Slovaks - 9, Macedonians - 8, Germans - 6, Ruthenians - 3, Albanians - 3, 2 Roma and 2 Jews, and one member of the Austrian, Bulgarian, Polish, Romanian and Russian minority each.

- The National Programme for the Protection and Promotion of Human Rights 2013 to 2016 provides for the active involvement of the county human rights coordinations in the implementation of measures and activities, pursuant to which the forthcoming meeting of the county human rights coordinations will decide on the modalities of drafting an Activity Plan for the purpose of standardising procedures across Croatia.

- The Ministry of Justice has been keeping statistics on the representation of national minorities in the judiciary (including both officials and employees). In 2010, the 'Analysis of Representation of Minority Members in the Judiciary' was made which identified derogations by county. Afterwards, round tables were organised (in Osijek, Vukovar and Gospić) in order to encourage the representatives of national minorities to use the right of priority in employment in these bodies (Article 22 of the Constitutional Act on the Rights of National Minorities) and for the purpose of transparent insight into the current state, in which minority representatives were actively engaged. In 2012, a poster on the right of minority members to invoke the right to priority in employment was distributed to all judicial authorities.

**98.6. Adopt measures aimed at strengthening the work of the Council for National Minorities so as to address the situation of particularly vulnerable racial and ethnic groups (Argentina);**

- Even though the members of the Council for National Minorities are appointed by the Government, which supports its work, the public can hear its voice of public criticism as well; for example, the Council considers that there is insufficient media coverage of contents related to national minorities especially in the Croatian Radio and Television programmes, despite the international commitment (Article 5 of the European Charter for Regional or Minority Languages).

**97.80. Take additional steps to clear up the backlog of cases in the justice system, ensure the effective implementation of the Constitutional Act on the Rights of National Minorities, and take additional measures to ensure the effective integration of minorities into society (Austria);**

- The report on the implementation of the Action Plan for the Implementation of the CARNM 2011 to 2013 shows a successful and sustained implementation of most measures during 2012, particularly in the fields of education, cultural autonomy, religious rights, minority participation in representative bodies of local and regional self-government.

- For the purpose of full integration of minorities, additional efforts will be invested in the area of their employment in the civil service, the judiciary and the police, as well as the exercise of the right of access to the media. Furthermore, the measures of the current Roma strategy, which aims at the elimination of the gap between the Roma and the rest of the population, encourage their employment and education.

- For the clearing up of the backlog of cases in the justice system (see 97.50).

**97.75. Continue to pay special attention to the situation of the Roma minority by strengthening its efforts to provide equal access to citizenship without discrimination based on ethnicity (Finland);**

- The progress is evident. The 2013 Amendments to the Aliens Act regulate the permanent stay of aliens who were born in Croatia and have lived in Croatia since birth, but have not regulated their stay for valid reasons. The Act also covers the Roma minority, which has had a

strong link with Croatia, and improves the implementation of the Zagreb Declaration (adopted at the Conference on Obtaining Civil Documentation and Prevention of Stateless Persons) by proposing to use the measures of the current Roma strategy to solve this issue by 2020. In addition, the Act regulates the permanent stay of children living in Croatia, whose one/both parent(s) had permanent residence granted at the time of birth (see 98.18).

**97.22. Continue the main measures adopted to eliminate discrimination against the Roma minority, as contained in the Action Plan for the Decade of Roma Inclusion 2005-2015 (Spain);**

- The Government focuses on the exercise of the rights of the Roma minority, which has been marginalised and discriminated against for centuries, and continuously takes measures for the exercise of their rights under equal conditions, in accordance with the existing legal framework as well as the constitutional status of the Roma minority. Following the National Strategy for Roma Inclusion 2013 to 2020 as well as its accompanying Action Plan and the Action Plan for the Decade of Roma Inclusion 2005 to 2015, with Roma representatives in their supervisory bodies, measures are being systematically implemented to combat discrimination and segregation, as well as for the implementation of integration in society. In 2012, considerable progress was achieved in all areas, including an increased number of children in schools, improved health care, increased employment and improved housing conditions.

- The National Policy for Gender Equality 2011 to 2015 has been improving the social status of women belonging to national minorities, particularly the Roma women, and contains measures relating to raising awareness about human rights, education of civil service employees and the public about the problems, increasing the number of scholarships and grants for education and monitoring statistical information in the field of education.

- The Government Office for Gender Equality supports and participates in the organisation of panel discussions, round tables and conferences on human rights of women - national minority members, and provides financial support for Roma women organisations (it funded the creation of an Internet portal for young Roma women with the aim of providing information in the field of education and employment).

**97.23. Promote greater tolerance and understanding among the majority population about the rights of the Roma community and migrants (Bangladesh);**

- The inclusion of the Roma in all segments of society in order to reduce the existing gap and strengthen the position of Roma and foster understanding and appreciation of tolerance towards them is one of the key objectives of the National Strategy for Roma Inclusion 2013 to 2020 (a strategic document in line with international and European standards) and its accompanying Action Plan. Furthermore, the topics on connecting the historical experience of the Roma in Europe with the promotion of tolerance and non-discrimination, and the role of young Roma in implementing tolerance were among the priorities of the Croatian presidency of the Decade of Roma Inclusion 2005 to 2015 (see 97.20).

- The positive trend regarding tolerance has also been indicated in the Conclusion of the Croatian Parliament on the support to the international initiative in establishing the International Day of the Romani Language, as well as the introduction of academic courses on the Romani language and courses on literature and culture of the Roma at the University of Zagreb.

- Owing to the importance of the integration of aliens for the successful functioning of a society, as a follow-up to the Migration Policy, the Government has also adopted the Action Plan for the Removal of Obstacles to the Exercise of Individual Rights in the Area of integration 2013 to 2015, laying down continuous measures targeting aliens, asylees and persons under subsidiary protection in terms of education, health, social welfare, labour, culture, housing, employment, combating discrimination, and proposing cooperation with scientific institutions, the Croatian Red Cross and civil society.

- With regard to the trend of increased migratory movements, the activities to sensitise the public to the rights of migrants and asylum seekers have been additionally intensified (marking of the 'Day of Refugees', occasional panel discussions on the life and customs of this population as well as exhibitions and sporting activities). In 2013, the Ministry of the Interior held a workshop for the needs of media coverage of asylum seekers, asylees and migrants of different cultural, religious and social background.

**98.19. Increase measures to integrate ethnic Serb and Roma minorities into the fabric of Croatian life, including through a broadcast media campaign to communicate and strengthen themes of reconciliation and tolerance. Such a media campaign could also target the minority communities themselves with messages on how to address some of the issues that perpetuate discrimination, such as Roma-language broadcasts on birth registration, education and health services (United States);**

- This sensitive segment has been intensively promoted, among other things, by the Agreement signed between the Government and the Croatian Radio and Television for the period 2013 to 2017, which lays down the programme obligation of broadcasting for minorities. In addition, the Fund for the Promotion of Pluralism and Diversity of the Electronic Media will provide funding to encourage the production and broadcasting of audiovisual and radio programmes of non-profit publishers of relevance for national minorities. In accordance with the remarks of the Parliamentary Committee on Human Rights and the Rights of National Minorities, the Electronic Media Act will be further enhanced with regard to funding minority programmes.

- In 2012, on the occasion of marking the Human Rights Day in Zagreb, in cooperation with the Council of Europe (as part of the awareness raising campaign 'DOSTA!'), a round table was organised on the topic of resolving the issue of prejudice against Roma, with the aim of further raising of awareness in order to overcome stereotypes and prejudice towards diversity. The campaign promotes informative and educational role of the media in combating discrimination and raises awareness of journalists about the importance of promoting anti-discrimination messages in the media.

- In 2012, financial support was provided for the Festival of Films on Human Rights, at which the following discussions were held: 'Roma in Europe' and 'Roma in film and visual arts'.

**97.79. Apply measures to increase the participation of individuals from the Serb or Roma communities in local and regional Governments, and ensure that the provisions of the Constitutional Act on the Rights of National Minorities are fully applied at the regional level (Spain);**

- In order to implement the CARNM in the part referring to the participation of national minorities at all levels of decision-making, the OHRRNM regularly conducts seminars (the largest number of representatives coming from the Serbian and the Roma minority) on



improving the work of the councils and individual representatives of national minorities in order to improve dialogue and more effective cooperation with the representatives of local and regional self-government bodies. Within this framework, the OHRRNM has conducted a number of activities related to the census encouraging national minorities to declare minority affiliation in order to exercise the rights guaranteed by the CARNM. Furthermore, prior to the announcement of the election of members of representative and executive bodies of local self-government units, national minority members are motivated to, firstly, run for these functions, and secondly, to cast their vote and to elect their representatives.

- Based on the Action Plan for the Implementation of the CARNM 2011 to 2013, in November 2013, the Government adopted the Decision on the financing of councils and individual representatives of national minorities in areas with lower economic development of local self-government units, thus contributing to the approximation of the position of all the councils and representatives in terms of funding, regardless of the area in which they operate. According to the Decision, funds were earmarked at the amount of HRK 335,900 for 84 councils and 24 individual representatives.

- Competent national authorities are in charge of the implementation of the CARNM, in accordance with their competence, whereas the Ministry of Public Administration is in charge of the process of monitoring the legality of work and compliance of legislative acts with the CARNM.

**97.74. Provide for persons belonging to the Slovenian minority all guaranteed rights (Slovenia);**

- In accordance with the modern legal framework, all national minorities are guaranteed equal access to the rights (in accordance with the amended Constitution and the list of all national minorities in the preamble). On this basis, the Slovenes in Croatia (over 10,500 members) exercise their rights as one of the 22 national minorities. They have a representative in the Council for National Minorities, as well as 9 councils and 13 individual representatives of the Slovenian minority, and the Union of Slovenian Associations. The programmes of 10 cultural associations of Slovenes are funded from the State Budget.

## REFUGEES & INTERNALLY DISPLACED PERSONS

**97.82. Adopt domestic legislation on refugees in conformity with international standards in this field (Argentina);**

- Croatia has developed its legislation in line with international standards, and has ratified all the key international instruments in this field, including the 1961 Convention on the Reduction of Statelessness. It has also developed and improved the legal framework in the area of asylum and migration (see 98.20).

- Croatia is an active participant in the regional process of resolving the refugee issue (initiated by the Sarajevo Declaration in 2005), which was transferred from the political framework to technical operationalisation in 2011, with the Regional Housing Programme being currently implemented (hereinafter referred to as the Regional Programme). The Regional Programme was agreed upon by the partner countries in the region in cooperation with international organisations – the UNHCR, the European Commission, the OSCE, the

United States, the CEB (see 97.81), with the aim of securing permanent housing solutions, either through integration in the country of refuge, or return to their country of origin.

**97.81. Adopt and implement fair and transparent measures for the sustainable return of members of the Serb minority (Poland);**

- The return of displaced persons, returnees and refugees is a precondition for the achievement of a comprehensive return policy as well as the recovery of war-affected areas. In doing so, the Government is continuously contributing to the creation of material and social preconditions for sustainable return and reintegration, particularly in areas that were affected by the war. In the processing of the requests for housing, ethnicity is not a criterion, and all the beneficiaries are treated equally. In addition, the Action Plan for the Accelerated Implementation of Housing Care Within and Outside the Areas of Special State Concern for Refugees - Former Tenancy Rights Holders who wish to return and who are mostly members of the Serbian minority has been fully implemented. In line with the above, there were 1,594 positive decisions (which is above the benchmark of the Action Plan) by November 2013, of which 401 relate to families who have been provided with accessible housing units, and the remaining 1,193 decisions are in the process of securing housing units.

The deadline for submitting applications for housing care outside the areas of special state concern was opened on three occasions and had been extended (the last one was opened on 18 April and lasted until 31 August 2013). In addition, the deadline for submitting applications for housing in areas of special state concern remains open.

- Furthermore, in cooperation with Serbia and Montenegro, and the Federation of Bosnia and Herzegovina, Croatia has been implementing a specially designed regional programme (see 97.82) aimed at achieving permanent housing solutions for 27,000 families (74,000 persons) in the period 2013 to 2017. Croatia will provide housing to 3,541 families (8,529 people) who are currently in Serbia but also partly in Montenegro and Bosnia and Herzegovina (mostly Serbian national minority).

- Within the framework of regional cooperation, the Programme of Return of Individuals-Returnees and resettlement of household items from Serbia to Croatia is being carried out. The transportation costs to the border are covered by Serbia, and from the border to the place of residence are covered by Croatia. In 2012, there were seven convoys of organised return i.e. 23 families (29 people) returned to Croatia from Serbia.

- (See 97.86).

**97.85. Continue its efforts in facilitating the return and reintegration of refugees and internally displaced Serbs and in further resolving all related issues (Slovakia);**

- (See 97.81, 97.82 and 97.86).

**97.83. Strengthen cooperation on the issue of refugees on the regional level, and focus on the most vulnerable groups or persons in the collective centres in order to find a just solution for them and close those centres (Bosnia and Herzegovina);**

- The following trend illustrates the fulfilment of the recommendation: out of 90,000 people in 500 organised accommodation units there are still 500 people (268 families) in care facilities as follows: displaced persons-refugee settlements – 3; hotels – 3; facilities caring for old, sick and infirm persons -2; institutions of social and health care with capacity for 18 persons-5.

The plan provides for housing care for 268 families, as follows: currently being implemented (50 families), housing care programme (63), the social welfare system (131), reconstruction under the Reconstruction Act (3). For another 11 families a permanent solution is to be determined, and for 10 families who have been provided accommodation, the proceedings for their moving out from organised accommodation will be initiated.

**98.20. Consider the offer by the United Nations High Commissioner for Refugees to provide technical assistance and capacity-building in order to finalize the refugee return chapter and build an effective and efficient asylum system in Croatia (Norway);**

- Cooperation with the UNHCR is particularly evident in the implementation of the Regional Programme (see 97.81 and 97.82), and the role of the UNHCR in providing technical assistance to partner countries. The involvement of the UNHCR in the working group that deals with the selection of beneficiaries of the Regional Programme in Croatia is of particular importance. The selection criteria are based on the UNHCR methodology and criteria of vulnerability. The UNHCR also plays an important role in the preparation and distribution of information on the implementation of the Regional Programme. In collaboration with the UNHCR, an intensive information campaign was carried out, which resulted in a larger number of requests for housing care received in comparison to the previous deadlines.

- The Croatian asylum system is in operation and is being further developed. The scope of protection and the procedures, including the right to a legal remedy, are in line with the *acquis communautaire* (the amendments to the Asylum Act in 2010). The system provides for protection of all foreign nationals who qualify for the status to be awarded under the Act, which are third-country nationals or stateless persons such as refugees or persons in need of international protection. The scope of the right to health care, education and work, and free legal aid has been extended for persons granted protection or with a regulated status in Croatia.

- Further alignment of the Act with EU standards is ongoing (with regard to the qualification of third-country nationals or stateless persons as beneficiaries of international protection, the unique status of a refugee or a person eligible to subsidiary protection, the content/scope of the approved protection). Close cooperation with the European Support Office has been envisaged as well, in order to improve the legislation in the implementation of a common European asylum system.

- Measures are taken to improve the quality and capacity of extra accommodation, and due to an increased number of asylum seekers since 2011, the accommodation was expanded to accommodate 300 persons with current adaptation for accommodation of another 300 people (capacities of the "Porin Hotel" in Zagreb). The Code of Conduct in the Provision of Accommodation to Asylum Seekers and Aliens under Subsidiary Protection has been adopted in order to improve the coordination between integration officers of the Ministry of the Interior and the centres for social welfare. In 2013 the provision of accommodation in apartments commenced. In addition, reconstruction is ongoing at the Reception Centre for Aliens (Ježevo) aimed at the improvement of current capacities.

- In accordance with the Croatian Migration Policy 2013 to 2015, the Permanent Commission for the Implementation of the Integration of Aliens was appointed, and the Commission has identified problems and legal obstacles to the integration of migrants and proposed the Action Plan for improvement in the next biennial.

- The 'Border Monitoring' Project is being implemented as a valuable form of cooperation between the public and civil sectors – the Ministry of the Interior, the OHCHR and the Croatian Law Centre. The project provides insight into the work of the police in the area of illegal migration and asylum. In 2013, the implementation of six observations in three police administrations has been envisaged, and possibly at the Reception Centre for Aliens, and 4 trainings in police administrations. A high level of professionalism and legality of police conduct has been confirmed.

**98.7. Continue with determination to promote and implement respect for all human rights, including within the framework of regional reconciliation and just solutions for the victims, and to do so in particular for those belonging to the ethnic minority and refugee communities (Serbia)**

- Since 2006, the systematic and specialised support to the regional reconciliation process and support to victims in finding just solutions has been intensified. The Ministry of Justice support system works on two levels - within the Ministry and at the county courts.

- There is an Independent Sector for Victim and Witness Support with two departments within the Ministry. The Department for Victim/Witness Support and International Cooperation in War Crimes cases provides psychological and legal assistance and physical protection to witnesses from abroad who come to testify in Croatia, as well as to witnesses from Croatia testifying abroad. The Department Indemnity in Criminal Procedures handles the allocation of equitable financial compensation for victims of crime as well as for unwarranted arrests and unjustly convicted persons. According to the Monetary Compensation Act, victims of crimes may receive reimbursement for health care costs and lost earnings as of 1 October 2013, and are also indirectly entitled to compensation for loss of dependency and funeral costs.

- Seven departments for the organisation and provision of support to witnesses and victims have been established at the county courts (Zagreb, Osijek, Vukovar, Sisak, Zadar, Split and Rijeka). War crimes witnesses can be provided transportation to court.

- In addition, in line with the development of the support system for victims and witnesses, a Committee to Monitor and Improve the System of Support for Victims and Witnesses was established in 2010. It is responsible for standardising the treatment of victims and witnesses. Since July 2013 the Call Centre has been operational, staffed by volunteers of the Victim and Witness Support Association.

- Active measures are implemented for refugee care thus contributing to the positive climate and reconciliation in the region (for more on the Regional Programme see 97.82).

**98.21. Continue to promote partnerships between the authorities and civil society organizations, to complete the process of return of refugees and displaced persons, to solve the issue of housing accommodation, through accelerated accommodation of the former tenancy right holders and full implementation of the action plan to achieve progress in the implementation of the Housing Care Programme for former tenancy rights holders within and outside the Areas of Special State Concern, as a precondition for the sustainable and dignified return of refugees and displaced persons (The former Yugoslav Republic of Macedonia);**

- The completion of the process of return of refugees and displaced persons is one of the key priorities of the Government at the national level and in the context of regional cooperation (on the implementation of the Regional Programme see 97.82 and 97.81).

- The IPA 2009 project is quoted as an example of good practice; the Project was aimed at strengthening the capacity of civil society organisations, including in the area of monitoring and advocating sustainable refugee return and the integration of minorities, the Serbian minority in the areas of special state concern in particular, which was successfully completed in late 2013.

**97.84. Continue ongoing efforts to ensure the return of refugees and Croatian displaced persons of Serb origin, to their home and the recovery of all of their rights; particularly with regard to their property, pension and social rights (Spain);**

- Return of property (see 97.81., 97.82. and 97.86).

- The Republic of Croatia has not abolished the right to pension to any of the beneficiaries. However, the payment of pensions in a given time period was not possible due to the interruption of payments between countries caused by the circumstances of war that Croatia did not cause. The Republic of Croatia and the Republic of Serbia are holding discussions to resolve this issue, and negotiations on the conclusion of a new Inter-Governmental Agreement on Social Security between the two countries are ongoing, which would settle all the outstanding issues in this area.

**97.86. Make efforts to resolve difficulties in repossessing property and acquiring citizenship for returnees, in order to ensure the successful integration of minorities into Croatian society (Republic of Korea);**

- The abandoned private property that was used to accommodate displaced persons and refugees has been returned to the rightful owners. To date, 19,276 housing units have been returned, and the eviction proceedings are pending in 6 cases. Croatia has entered into litigation proceedings instead of the owners in six cases in which the temporary occupant invested funds in the housing facility. A total of 149,654 housing units have been reconstructed and the reconstruction of 172 family houses is underway (see 97.81).

- Further to the continuous monitoring of the status of returnees, the Aliens Act facilitates the regulation of their permanent stay, provided they had permanent residence in Croatia on 8 October 1991, and that they are beneficiaries of the return, reconstruction or housing care programme, and that their intention of permanent stay in Croatia has been established. For them, compliance with the conditions prescribed for other aliens is not required. In addition, upon the approval of permanent stay they can immediately acquire Croatian citizenship (facilitated conditions in view of the duration of the stay).

- The successful integration of returnees is ensured by free access to the labour market for permanently residing aliens (without work permit), and by providing numerous rights: professional training, education, student scholarships, social welfare, pension and health insurance, child allowances, maternity and parental benefits, tax benefits, freedom of association and connection and membership in organisations representing workers or employers, etc.

**98.17. Expedite the process of returning occupied private properties to their rightful owners, and promote the successful conclusion of ongoing legal proceedings by strengthening the applicable legal framework (Canada);**

- (See 97.81, 97.82 and 97.86).

**96.4. Undertake measures to improve the quality, capacity and effectiveness of the justice system to prevent the abuses of the rights of national minorities and to investigate, prosecute and sanction cases and offenders, particularly against returnees (Serbia);**

- In order to enhance the protection of national minorities, the Ministry of Justice has prepared promotional leaflets in order to inform the parties about the way in which they can exercise the right to use minority languages in the proceedings before the judicial authorities that are obliged to implement the Act on the Use of Language and Script of National Minorities. In June 2012, they were distributed to the competent judicial authorities for display in a clearly visible place, so that all interested parties would be familiar with the possibility to exercise their rights. Furthermore, in order to enhance the employment of national minorities in the judiciary, the Ministry of Justice developed a promotional poster on the right to invoke Article 22 of the CLRN, which was distributed to the competent judicial authorities for display in a clearly visible place (November 2012).

## WAR CRIMES

**97.51. Continue, with all necessary determination, the efforts already undertaken to remedy the excessive length of court procedures and difficulties faced in prosecuting war crimes (Switzerland);**

- By closing Chapter 23 – ‘Judiciary and Fundamental Rights’ and joining the EU, Croatia expressed its continued commitment to investigate and prosecute war crimes, even though the process has been difficult due to the inaccessibility of the perpetrators, evidence and witnesses to the Croatian judiciary (dispersed across the former Yugoslavia). In the context of reinforcing regional cooperation in the prosecution of war crimes, Croatia has had a leading role in the region – there is enhanced regional cooperation between the State Attorney's Office and the Serbian War Crimes Prosecutor's Office (the signing of the Agreement on Prosecution and Punishment of Perpetrators of War Crimes has been initiated, which would resolve all the outstanding issues with Serbia), and with the Prosecutor's Office of Bosnia and Herzegovina (the Protocol on the Prosecution of Perpetrators of War Crimes, Crimes against Humanity and Genocide has been signed).

- For the prosecution of war crimes, four specialised (county) courts for war crimes have been designated in Osijek, Rijeka, Split and Zagreb. The Criminal Code (2013) has lessened the burden on the county courts, so that the judges can devote their attention to serious crimes such as war crimes.

**97.54. Ensure full cooperation of the Croatian Government in making available all requested documents to the International Criminal Tribunal for the former Yugoslavia (Canada);**

- Croatia has been achieving full cooperation with the International Criminal Tribunal for the Former Yugoslavia, and regularly fulfils the cooperation requests coming from the Office of the Chief Prosecutor of the ICTY, particularly when it comes to obtaining and submitting documentation, which is evident from the latest report of the ICTY Chief Prosecutor, Brammertz, to the UN Security Council.

**97.55. Establish full collaboration with the International Criminal Tribunal for the Former Yugoslavia (Italy);**

- (See 97.54).

**97.56. Pursue a thorough and comprehensive investigation into the missing documents requested for the trial of General Gotovina, and act on any suggestions the Chief Prosecutor has made to improve the investigation, pursuing all avenues of enquiry (United Kingdom);**

- (See 97.54 and 97.55).

**97.57. Uphold the rule of law, and make every effort to ensure that domestic war crime trials are carried out fairly and without discrimination (Canada);**

- The state attorney's offices act impartially in war crimes cases and prosecute members of the Croatian Army as well. As regards the detection and prosecution of war crimes, the work has been constantly intensified, in accordance with the 2011 Action Plan (implementation of the Strategy of the Ministry of Justice on the Obligations of Judicial Bodies with Respect to Crimes Committed in the Period 1991-95). There are special divisions for war crimes within the county state attorney's offices (specialisation of state attorney's offices). In 2012, new national priorities were set, and the regional priorities revised in order to increase efficiency.

- International cooperation takes place on a daily basis and is based on agreements of prosecutor's offices. In addition to providing assistance in specific cases, prosecutorial offices in the region were handed over data and evidence for offenders who reside on the territory of their country, and have their citizenship (the agreements have been published on the website of the State Attorney's Office).

**97.58. Strengthen its efforts to ensure that all war crimes trials are carried out in a non-discriminatory manner and that all cases of war crimes are effectively investigated and prosecuted, irrespective of the ethnicity of the victims and perpetrators involved (Czech Republic); investigate and prosecute all war crimes, regardless of the ethnic origins of the victims and the perpetrators of the crimes (Ecuador);**

- (See 97.57).

**98.13. Initiate an independent inquiry on cases of torture and maltreatment relating to the years 1991–1995 (Italy);**

- (See 97.57).

**98.14. Allocate additional resources to the State's Prosecutor's Office to ensure the full application of the Instructions it issued in October 2008 with regard to local war crimes proceedings (Netherlands);**

- The State Attorney's Offices have additional resources for the work on war crime cases.

**National priorities and initiatives (point 113 of the National UPR Report);**

- In accordance with the voluntarily expressed warranty in the relevant report, Croatia has implemented all the documents (as specified in point 113), and is up to date with the experimental implementation of civic education and human rights education in schools (see 97.9). Further progress has been recorded in the area of regulating prosecution of hate crimes (see 97.30) and improving access to free legal aid (see 97.53).