

# UNIVERSAL PERIODIC REVIEW

Republic of Croatia

National report submitted in accordance with paragraph 5 of the annex to  
Human Rights Council resolution 16/21

January 2015



Republic of Croatia

## **I Methodology**

1. In December 2013, the Republic of Croatia submitted the Mid-term Report on follow-up of the recommendations from the first universal periodic report (UPR) cycle, whose information, together with this Report (2nd UPR cycle) shows its systematic activity for effective implementation of the UPR recommendations. The Report was compiled in coordination with the Ministry of Foreign and European Affairs (MFEA), in cooperation with the competent state administration bodies (SAB): Ministry of Justice (MJ); Ministry of Interior (MI); Ministry of Social Policy and Youth (MSPY); Ministry of Science, Education and Sport (MSES); Office for Human Rights and the Rights of the National Minorities of the Government of the Republic of Croatia (OHRRNM); Office for Gender Equality of the Government of the Republic of Croatia (OGE); State Office for Reconstruction and Housing Care (SORHC); State Attorney's Office of the Republic of Croatia (SAORC), and was adopted by the Government. Consultations with civil society were held on 13 January 2015 and a portion of their recommendations were adopted. Consultations also were held with the Parliamentary Committee for Human Rights and Rights of National Minorities<sup>1</sup>.

## **II Normative and institutional framework and the promotion and protection of human rights since 2010 - examples of good practice**

2. Following from the detailed outline of the implementation of recommendations (PART III), this part of the Report provide an overview of a handful of **examples of good practice** (paragraphs 3–8) that it supports. The key legislative progress, challenges and barriers in practice in the promotion and protection of human rights will form the core of the introductory speech by the Croatian delegation.

3. Prior to holding the parliamentary (2011) and local elections (2013), the OGE implemented **activities to increase the representation of women** (in campaigns, videos, civil society support projects, conferences) and carried out systematic monitoring of the gender statistics that are publicly available. Following the 2011 parliamentary elections, the share of women among Members of Parliament is 25%. After the 2013 local elections, the share of female councillors is: 20.7% in county assemblies, 23.1% in city councils, and 15.7% in municipal councils. Gender equality (55%) was achieved in the election for Representatives of the European Parliament held in 2013 and 2014. In the 2015 Presidential elections, a woman was elected to the Office of President.

4. At the initiative of the OGE, the Government passed the “**Protocol on procedures in the case of sexual violence**” so as to ensure compassionate, gender and sensitive support of the competent institutions. With amendments to the criminal legislation, the Protocol was revised in 2014 and printed and distributed to the general public. The OGE also translated, printed and distributed the Convention of the Council of Europe on preventing and combating violence against women and domestic violence.

5. In the procedure of technical **support to the transformation and deinstitutionalisation**, the project “Support to the social welfare system in the process of

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<sup>1</sup> Indicates the interest of the Parliamentary Committee for Human Rights and Rights of National Minorities, which carefully follows and addresses the reports to the responsible UN bodies and the alternative report of the civil society, which is particularly expressed in terms of monitoring the UPR – in the report preparation phase and in the phase of implementing recommendations.

deinstitutionalisation of social services” (IPA IV-Human Resource Development) began in November 2012. This project acted to increase the inclusion of those using the rights and services in the social welfare system, and to ensure support to experts in the implementation of inclusive services and in improving the process of transforming institutions.

6. **The institution of complete deprivation of legal capacity has been terminated.** Until now, it was possible for an adult person to be proclaimed partially or fully deprived of legal capacity if they were unable, due to mental impairment, to care for their personal needs, rights and interests, or if they jeopardised the rights and interests of others. The new Family Act has redefined the concept of custody regarding the scope of deprivation of legal capacity. The obligation of partial deprivation of legal capacity has been prescribed in such a manner that persons are deprived of legal capacity only in that extent to which it is necessary to protect their rights.

7. Within the framework of the national prevention project entitled “Living without violence”, the police are working with educational institutions, social welfare services and NGOs in all counties to educate children on non-violence, gender equality and non-discrimination. Intersectoral workshops are carried out within the framework of the project “Support to the victims of criminal acts and misdemeanours”. Furthermore, with the aim of raising awareness (of children and youth) of the appearance of hate speech, the MSPY has established the National Committee for implementation of the CoE Campaign “*No Hate Speech Movement*”. The Committee has drafted an Action Plan for implementation of the national campaign “No hate speech on the Internet”.

8. In the areas of **migration and asylum** (cooperation: MI, UNHCR, Croatian Legal Centre), the project “Strengthening the Croatian civil society in the area of migration and asylum in the context of Croatia's accession to the EU” is being implemented, with the module entitled “Monitoring policy activities in the area of illegal migration”. In 2014, 13 regular monitoring activities were held in five police administrations and the Reception Centre for Aliens, and three education sessions were held for police officials. During 2008/09, the project PHARE 2005, PPF “Support to MI in preparing project documents for construction of a transit reception centre for aliens” was implemented, with a feasibility study for constructing a facility to house minors in the Reception Centre for Aliens in Ježevo. The construction is financed from the IPA 2011 programme, and began in May 2014, and a scheduled construction period of 15 months.

### **III Implementation of the recommendations of the first UPR cycle**

#### RATIFICATION OF INTERNATIONAL INSTRUMENTS (97.1-2; 98.1-5)

9. Croatia ratified the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (April 2014). Since 2011, it has been a party to the Convention on the Reduction of Statelessness from 1961. Plans are in place to initiate the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. Croatia actively supports the drafting of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), and it is investigating the harmonisation of the domestic legislation and practice for the purposes of possible accession. However, Croatia is one of the few countries which, according to the

European Social Charter, is permitted by the Council of Europe to submit collective complaints.

10. Croatia is a candidate for membership in the Human Rights Council (2017/19) and previously submitted its “*standing invitation*”, thus confirming active cooperation with the Council and its mechanisms.

11. Croatia has not accepted the recommendations for the ratification of the International Convention for the Protection of Rights of All Migrant Workers and Members of their Families, considering the broader European context, and the fact of achieving the appropriate migrant protection at the national level.

#### PROCESS OF MONITORING THE OUTCOME OF THE UPR (96.7-8; 98.22; 97.8; 97.16)

12. The Government includes the civil society in the UPR activities and continues its previous consultations (meetings, accepting suggestions, validating alternative reports). With its participation in the side-event “Human Rights House Foundation” (17 March 2011 – date of adoption of the final UPR document), the full commitment of the Government for cooperation was confirmed.

13. With the “National programme for the protection and promotion of human rights, 2013–2016” in which the UPR recommendations and the competencies of the relevant authorities overlap, it is not necessary to adopt a separate programme for monitoring the UPR. The recommendations are translated and published on the websites.<sup>2</sup>

14. Pursuant to point 113 (First UPR Report), Croatia is continuing with the implementation of the key strategic documents and intensifying efforts to: combat hate crimes, ensure free legal aid, and improve education on human rights.

#### INSTITUTIONAL AND LEGAL FRAMEWORK (96.1; 97.3-7; 97.9-10; 97.14)

15. Croatia is continuously improving its institutional and legal framework. Marked progress has been achieved in raising public awareness regarding minorities and vulnerable groups, the housing care of returnees, sanctioning hate crimes, and the protection of asylum seekers and aliens. The Government has opted for the efficient implementation of the “National programme for the protection and promotion of human rights 2013–2016” (measures in 30 areas, including vulnerable groups, reforms to the judiciary, war crimes). The OHRRNM drafts an annual report on its implementation. The programme contains measures for the training of civil servants, judges, state attorneys and the media on the application of national and international provisions for the protection of human rights and anti-discrimination measures.

16. In addition to the institutions of the ombudsman, the human rights protection system is also supported by the: OHRRNM and OGE (which due to the recession has not recorded any

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<sup>2</sup> For example: MFEA published the UPR recommendations, and the OGE published the CEDAE; the MI placed a banner for the European Human Rights Court and ensured access to other reports in the area of human rights.

increases in recruitment or financing<sup>3</sup>); Committee for human rights, county coordination bodies for human rights; coordinators for general equality in state administration bodies (SAB); county committees for gender equality. With amendments to the Constitution (2010) and the legal framework (2012), the formal assumptions have been put in place to strengthen the institution of ombudsman and to protect citizens in cases of violation of rights by SABs, local and regional self-government, legal persons with public authority and courts (abiding by the principle of a reasonable time period).

17. With the Ombudsperson Act: competencies are expanded to authority regarding legal and natural persons, coordination with special ombudspersons is strengthened, competencies with regard to courts are expanded, the possibility was provided of giving recommendations to SABs on the improvement of human rights protection (the OHRRNM drafts a report on implementation), and the Human Rights Centre was merged. The office functions as a central body for combating discrimination, and since 2011 has served as the national preventative mechanisms for the prevention of torture (NPM). A new ombudswoman was elected in 2013.

18. Since 2010, the National Committee for Education on Human Rights and Democratic Citizenship has systematically secured the implementation of this type of education at all levels, and has affirmed the programme for the education of minorities and resocialisation of youth. Since the 2014/15 school year, civil education has been implemented in a multi-course and interdisciplinary fashion in all classes in primary and secondary school, and as a separate experimental course in the 8th grade, pursuant to the application to the public invitation by MSES.

19. Regular training for judges/state attorneys is held on the European and domestic legal framework for combating discrimination, with the aim of building a system for statistical monitoring and documenting cases of discrimination, and helping victims.<sup>4</sup>

20. Within the Police school, the area of human rights (including humanitarian rights and EU rights) is present both independently and within the framework of other courses.<sup>5</sup>

21. The “National Policy for Gender Equality 2011–2015” includes the implementation of gender sensitive education at all levels of education with continuous training of teachers<sup>6</sup> and

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<sup>3</sup> OGE still has six employees and its financing was reduced by 12% in comparison to 2011.

<sup>4</sup> During 2011–2014, the Judicial Academy (JA) organised training for judicial officials; i.e. for 30 officials in 2011, 100 in 2012 and 278 in 2013/14 on the application and alignment of legislation with the European Convention on Human Rights (ECHR). The State school for judicial officials held two workshops (51 attendees) in 2013/14 on criminal law and the civil law aspects of ECHR. Through the programme of the Council of Europe, an online course is currently underway for judicial officials on the ECHR and Court. A total of 14 Croatian judicial officials participated in three workshops in Florence (2013) as part of the project “European judicial cooperation through the practice of national courts in the protection of fundamental rights”. In 2014, two JA projects were approved: education of judicial officials on the EU Charter on fundamental rights, and on the rights of children.

<sup>5</sup> Subjects taught also include the Constitution, misdemeanour law (asylum; domestic violence) and criminal law (hate crimes, crimes against humanity and human dignity – terrorism, slavery, human trafficking), and education and training is provided on 'police authority' (particularly application towards children and foreigners; ethics and the code of conduct) and specialist courses (human trafficking, hate crimes), while at the High Police School, the courses: Human rights and police authority, and Police Ethics are taught (each of 45 hours).

state officials and civil servants (within the framework of the State Public Administration School). Furthermore, the use of gender sensitive language is promoted in public and official communications.

22. With regard to the education of the media, the research of Croatian Radio Television should be pointed out, on the opinions of staff on promoting gender equality in programming content, and the activities of the OGE, which translated, printed and disseminated two publications for the education of the media and editors: “Combating gender stereotypes and strengthening gender awareness of journalism” by the Council of Europe and “Including gender equality in journalism activities” by the International Federation of Journalists. Within the framework of the project “My vote against violence”, which is implemented by the OGE in conjunction with the civil society, workshops are held on the topic of sexual violence, and the “Guidelines for media reporting on domestic violence” were printed and distributed to the media.

23. The cooperation of the Government and civil society is undergoing continuous improvement, and the tripartite activity is respected: Office for Cooperation with NGO’s of the Government of RC (coordinate and monitors implementation of tenders to award funds to the civil society), National Foundation for the Development of the Civil Society, and the Council for the Development of Civil Society. The “National Strategy for Creating an Enabling Environment for Civil Society Development 2012–2016” has been adopted.

#### DISCRIMINATION

(97.17; 97.20; 97.27; 97.30; 97.73; 98.15; 98.18)

24. The Government continues to implement anti-discrimination measures pursuant to the Constitution and the Act on Combating Discrimination (2009) which is aligned with the EU Directives (equal treatment in employment, equality regardless of ethnicity), “National Programme for the protection and promotion of human rights 2013–2016” and “Action Plan for removing barriers to achieving equal rights in the area of integration 2013–2015”. The introduction of the “intervener” institution on the side of victims and collective complaints for discrimination has strengthened the protection of citizens. The law also protects witnesses of discrimination, and defines a broad circle of persons that are obliged to report discrimination, and in 2012, this was aligned with the EU *acquis communautaire* (exceptions from prohibiting discrimination). Implementation continues of the Gender Equality Act (2008), which prescribes a general ban on discrimination with regard to gender, marital or family status or sexual orientation (area of employment, work and education). Anti-discrimination provisions have also been integrated into numerous laws<sup>7</sup> and progress has been made in protection from discrimination and prevention.

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<sup>6</sup> In October 2014, the publication “Recommendation CM/Rec(2007)13 of the Committee of Ministers to Member States on gender mainstreaming in education and the Memorandum with substantiation” was distributed at the meeting of primary school principals in the City of Zagreb. This publication was printed by the OGE in 2010 and is regularly disseminated.

<sup>7</sup> The Constitutional Act on the Rights of National Minorities (CARNM), Labour Act, Act on Same-sex Unions, Criminal Code (including the prevention of all forms of discrimination in proceedings), Free Legal Aid Act, and the National Programme on the protection and promotion of human rights 2013–2016.

25. The OHRNM finances civil society projects and coordinates activities within the “National Plan for combating discrimination”, as a strategic document for improving the anti-discrimination system (areas: family, social welfare, education, labour, health care, protection of minorities and aliens and for the drafting of a new document to 2018 (a working group has been formed).

26. An effective mechanism has been instituted for combating hate crimes, and this mechanism has received attention from throughout the region and beyond. The OHRNM, as the central body for collecting data on hate crimes, coordinates the Working Group for monitoring hate crimes (2010) which analyses the implementation of the anti-discrimination legislation and coordinates the collection of data and intersectoral cooperation, and at whose proposal the “Protocol on activities in the cases of hate crimes” was adopted in 2011, to strengthen activities for investigating and prosecuting these crimes. A form for statistical monitoring of misdemeanour and criminal acts was created for MI, SARC and MJ, while MJ has prescribed a unique sub-code for misdemeanour courts for hate crimes.

27. The Government has formed the National Committee for combating violence in sport, which is aimed at preventing and combating racism and xenophobia at sporting events. The Committee has drafted the “Action Plan for the implementation of the programme of education measures in combating violence in sport, at and outside of sporting events”, which is implemented by MSES and the Agency for Education.

28. The education of judicial officials is ongoing. During 2012, judges and state attorneys, and particularly members of court ethics committees,<sup>8</sup> received education on the European and Croatian legislation on discrimination as part of the IPA project “Establishment of a comprehensive system for discrimination protection” (implemented by OHRNM and the Ombudsman).

29. With regard to the role of the media in promoting tolerance, activities are continuous,<sup>9</sup> through: the legal framework (the Act on Croatian Radio Television prescribes tolerance, understanding and respecting differences, privacy and dignity, the reputation and honour of people, and political and religious pluralism); and anti-discrimination campaigns (TV-spots, Internet banners). In terms of expanding awareness of the anti-discrimination legislation in the area of labour and employment, the Government supports projects from the Community Programme for employment and social solidarity (PROGRESS), in which the Croatian Employment Service (CES) also participates.<sup>10</sup>

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<sup>8</sup> Through the mediation of the JA, 9 judicial officials received training on the EU directives on discrimination at the Academy for European Law (Trier) over a three-year period. In 2011, 30 judicial officials participated at the JA seminar “Together against the discrimination of LGBTIQ persons”. In 2014, the JA held 6 workshops on laws in the area of combating discrimination and gender equality, for a total of 72 participants.

<sup>9</sup> Reference to the IPA project “Establishing a comprehensive system for protecting against discrimination” with five regional round tables, with the participation of the media that contributed to raising awareness in electronic and printed reports on the appearance, prevention and mechanisms of discrimination.

<sup>10</sup> The project “Stimulating equality on the Croatian labour market” from 2010 (CES in cooperation with OHRNM and research institutions) resulted in the “Collection of good practices in combating discrimination and promoting diversity on the labour market” and the “Guidelines” of the same time, for including anti-discrimination into labour market policies. Research was conducting among unemployed persons and employers on discrimination on six bases (gender, age, disability, ethnicity, religious affiliation and sexual orientation).

30. Croatia has not accepted recommendation 98.18. – Equal access to citizenship, as the privileged naturalisation of individual groups of aliens in attaining citizenship is an inherent right of a sovereign state, in which Croatia does not derogate from the general principles of international citizenship law and is not an exception. However, all aliens meeting the legal requirements, may under equal conditions attain Croatian citizenship by naturalisation, in the regular manner, while certain categories of aliens may attain citizenship under more favourable conditions.

## TORTURE AND PLACES OF DETENTION (97.28-29; 97.36)

31. Pursuant to international obligations, Croatia has implemented the provisions of international instruments into the Criminal Code with regard to the prevention and prosecution of the criminal acts of torture. The national protection mechanism (NPM) has been established in the Office of the Ombudsperson, and legal amendments for its strengthening are in preparation.

32. Upon receiving a report of torture or cruel conduct and persecution, according to the criminal legislation and the Act on Combating Discrimination, the police take measures to discover the perpetrator, while the SAORC (and according to the CAT Convention) ensures a comprehensive processing of the report on findings of the violation of human rights, and the efficient prosecution of the perpetrator.

33. Measures are continuously being taken to reduce overcrowding in penitentiaries<sup>11</sup> – through construction, capacities have been increased from 3771 to 3900 places (3.42%) in respect of the abundance of the Act on the Execution of Prison Sentences (sleeping cells per prisoner 4 m<sup>2</sup> and 10 m<sup>3</sup>). On 30 October, 2014, there were 3891 prisoners (99.77%).<sup>12</sup> The

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The project “Stimulating diversity on the Croatian labour market” (in partnership between the OHRRNM and civil society and the Institute for Development of the Labour Market) from 2011 was aimed at strengthening capacities of stakeholders on the labour market (employers, CES, unions, coordination for human rights and committees for gender equality), managing diversity and raising awareness of discrimination. A special award was introduced for the best practice among employers in employing persons of vulnerable groups.

In 2012, five regional round tables were organised as part of the project “Equality in diversity” (OHRRNM, CES, and Office of the Ombudsman), with three components: strengthening participants in the labour market for implementing anti-discrimination principles; Advising employers on anti-discrimination; Anti-discrimination campaigns at the national level. A network of regional anti-discrimination contact points has also been established for the purpose of informing and advising, and connecting with the ombudsman. Employers received support for the development of anti-discrimination tools for human resource management and individual training on recognising discrimination. A brochure on examples of anti-discrimination practice was published.

<sup>11</sup> See: PART II – paragraph 8

<sup>12</sup> At the Glina penitentiary, a new facility for 420 prisoners was built (7 rooms adapted for persons with disabilities) and the kitchen was adapted, and the adaptation of the old facility is underway. The old block for accommodation in semi-open conditions and the prisoner visitor’s centre were fully refurbished. Intensive preparations are underway for the construction of additional capacities at the Zagreb prison (loan agreement with the CES and drafting of the project documentation). At the Bjelovar prison, reconstruction of accommodation units, the kitchen and archives began in 2012, and a construction permit was obtained for expansion of the accommodation capacities.



administration for the prison system (MI) has been included in the IPA TAIB 2012/13 project.<sup>13</sup>

34. Within the framework of the penal system, the employment of 50 new staff is planned, and plans are in place to establish a separate health care institute with various services (family medicine, health care, pharmacy, hospital care). Through the Act on Compulsory Health Care Insurance, all persons deprived of liberty and having permanent residence in the Republic of Croatia received the status of an insuree. As of 2007, a project to resocialise addicts has been implemented in all counties (including in prisons).

## JUDICIARY (97.47-50; 97.15)

35. The autonomy and independence of the judicial power is guaranteed by the Constitution and the Courts Act, which is overseen by the State Judicial Council (SJC). All forms of influence on the course and outcome of court proceedings and on judges are prohibited. Court rulings may only be amended by the competent court. Legally binding court decisions must be abided by all. The work of courts is public (with the exception of public exclusion). The new Courts Act, and the institution guaranteed by the Constitution of the right of parties to trial within a reasonable time has been elaborated through a process pursuant to the requirements for the protection of a right to a trial in a reasonable timeframe and the requirement for payment of appropriate compensation due to the violation of such right.

36. As a democratic guarantee of independence, measures are regularly passed to strengthen the judicial profession.<sup>14</sup> With the objective of implementing reforms to entry into judicial duties, a Working group has been active since October 2014, and has been discussing amendments to the Judicial Academy Act, Courts Act, Act on the State Judicial Council and the State Attorney's Act.<sup>15</sup>

In order to achieve the highest possible efficacy in the work of the courts and the establishment of a work monitoring system, the court president has numerous obligations. The court president is obliged to submit to the president of the directly higher court and the MJ an annual schedule of court tasks, and a monthly report on the results. An annual report on the tasks of the court administration and efficacy of the court in resolving cases (including questioning the foundation of client requests for the protection of the right to a trial in a reasonable timeframe) is submitted to the directly superior court, SJC and MJ.

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<sup>13</sup> "Support to the Croatian prison system" (EUR 4.69 million) for the improvement of infrastructure and for education of the staff of the Administration and IT equipping of the Administration, and for assistance in the rehabilitation of juveniles at the Turopolje Juvenile Detention Centre.

<sup>14</sup> The condition of appointment of judges in first instance course is completion of the State School for Judicial Officials (attaining knowledge for responsible and independent work), and the foundation for further promotion (appointment to higher courts) is a transparent assessment of the competent court council on the work of the judge. The Standards from the Constitutional amendments (2010) were strengthened by amendments to the Courts Act, Act on the SJC (increasing transparency in the appointment of judges, with detailed explanations – points from structured interviews), Act on the State Attorney's Office, and will be maintained in the future reorganisation of the network of first instance judicial bodies (2015).

<sup>15</sup> Representatives: MJ, Croatian Supreme Court, State Attorney's Office of RC, SJC, State Attorney's Council, JA, Croatian Judges Association, Croatian Court Advisors' and Articled Clerks Association, Croatian Bar Association, municipal and count courts.

With the aim of improving quality, capacity and efficiency of the justice system, the new Courts Act (2013) introduces the possibility of the delegation of competencies in order to achieve a more even distribution of the workload and changes in the actual competencies of courts. This initiative can now also be initiated by the Minister of Justice. Annual reports by the president of the Croatian Supreme Court to the Croatian Parliament on the work of the judicial authority (which may warn of its activity, organisational issues, legal shortcomings and propose improvements for the work of courts) have been introduced. Through the “Action Plan for implementation of guidelines of the Strategy for the development of the judiciary 2013–2014”, measures have been intensified for reducing the number of unsolved cases and shortening the length of proceedings. For old cases, it has been prescribed that they are to be resolved in order of filing, while a novelty (for larger courts) enables the introduction of the court administration “manager”, in order to unburden the court president from part of the tasks of the court administration and to strengthen concern over the timely and efficient work of the court.

37. After functional mergers (amendments to the act on seats/areas of judicial bodies in 2011), the rationalisation of the court and state attorney's network is continuing (physical mergers – deadline to 2019). In 2013, there were 10 mergers. Computerisation is ongoing – an integrated system for court file management (e-File) has been established in all county and commercial courts, and in 65 municipal courts. The computer equipment is being updated in the land registry departments, and creation of a network in the joint IT system is being carried out. Since 2013, MJ has intensively been working to reorganise the justice system on the four bases: territorial reorganisation of the network of municipal and misdemeanour courts, and municipal state attorney's offices; organisational reorganisation (improving the efficacy of auxiliary services); reforms to the appeals procedure (electronic random assignment of cases in county courts); completion of the system computerisation.

38. The new Act on the Areas and Seats of Courts, and the Act on Areas and Seats of State Attorney's Offices, were voted in by the Croatian Parliament on 24 October 2014.

39. With the new Criminal Procedures Act, procedures in corruption cases have been accelerated, and an efficient system put in place to reveal and prosecute perpetrators of corruption acts. Specialised court departments, state attorney's offices and police bodies for combating corruption act in synergy through the 'Uskok vertical'. In organised crime and corruption cases (including at the officials' level), the number of indictments and rulings increased in 2012. The *track record* was established for the results of investigations, prosecutions and rulings. Confiscation of assets attained by criminal acts is being carried out both permanently and temporarily. The capacities of the Sector for combating corruption of the MJ is being strengthened.

40. With new Acts, the anti-corruption framework continues to be strengthened: Act on Preventing Conflicts of Interest, which has introduced the verification of official's asset records, strengthened prevention, and increased professionalism and has depoliticised the Conflict of Interest Committee (2013); Act on the Right to Access Information, which has introduced a new institute – the commissioner for information, and has ensured protection before administrative courts; and the Act on Public Procurement. The drafting of the “Strategy to combat corruption with Action Plan” is underway and is aimed at preventing corruption in individual sectors.

41. The Act on the Financing of Political Activities and Election Campaigns has established a unique legal framework for election campaigns and supervision over the financing of political parties. The highest permitted level of donation has been set; political parties and independent candidates are required to have a separate account for the financing of election campaigns. The State Electoral Committee oversees the financing of election campaigns, while the State Audit Office conducts annual audits of the operations of parties. Monetary penalties for political parties and their responsible persons is being strengthened.

#### FREE LEGAL AID (97.52-53; 98.10-11)

42. The free legal aid system is continuously being improved, to ensure the principle of equality for all citizens, which includes members of national minorities. The new Free Legal Aid Act (2014) reforms the system of primary legal aid, and is offered in all legal matters, without determining the user's material standing. This contributes to more efficient legal protection for the most socially and economically vulnerable groups of citizens, and removes the possibility of (material) discrimination. The following has been expanded: scope of primary legal aid (to general legal information; to drawing up submissions for the European Human Rights Court and international organisations) and the circle of users (foreign children finding themselves in Croatia without accompaniment; for aliens with permanent residence the assumption of reciprocity has been abandoned). The criteria for achieving secondary legal aid have been further relaxed, particularly with regard to the type of procedures for which legal aid may be approved and in relation to an asset census.

43. Croatia has not accepted recommendation 98.11, “the use of free legal aid for all those requiring it”, due to the ambiguity of the recommendation and the need to meet the legal assumptions for its use. However, this does not prevent further improvement of the legislative framework.

#### FREEDOM OF THE PRESS (97.60-63)

44. Pursuant to the recommendations of the Parliamentary Committee for Human Rights and Rights of National Minorities, the SAORC has improved its activities in cases of threats and attacks against journalists, and has kept records since 2010, with particular attention on the prosecution of perpetrators. It informs the MJ of cases (number, state attorney activities, description of the event, outcome). The Report on attacks against journalists and media owners has been submitted to the Croatian Journalists' Association for the purpose of drafting the White Book (2011, with supplementation to June 2013). The report refers to 11 legally binding rulings (7 convictions; 1 acquittal; 3 rejections) and 4 non-final rulings.

45. For the purpose of improving access to public information, the Act on Access to Information (adopted in 2013 in cooperation with the civil society) prescribes the principles: public and free access, completeness and accuracy of information, and equality of access. The Act lays down misdemeanour measures for violations in attaining the right to information: for SAB (monetary fine to EUR 13,060) and for the responsible persons therein (to EUR 2610).

#### WOMEN'S RIGHTS AND COMBATING DOMESTIC VIOLENCE

(97.12; 97.18-19; 97.64-65; 97.31-32; 97.34; 98.16)

46. The promotion of women's participation and ensuring gender equality is an achievement of the Gender Equality Act, and continuous implementation of the existing national policies for gender equality, which via the Action Plan determines the thematic areas (promotion of: women's human rights, gender equality, equal opportunities on the market, gender sensitive education), and now also for a new area – women in sport. The OGE oversees these measures and reports to the Government thereof. The county assemblies are obliged to adopt action plans. In the appointment to supervisory and management board, equal representation is promoted (gender underrepresentation may not be less than 40%). The political participation of women receives special attention.<sup>16</sup>

The reduction of unemployment and removal of discrimination against women on the labour market, and achieving equal opportunities are the goals and critical areas within the “National Policy for gender equality 2011–2015”, which contains measures for: reducing the wage gap; support for female entrepreneurship; aligning familial, private and professional obligations (equal division of household tasks and parental responsibilities; use of paternal leave), and the participation of women in the public. In line with the document, the competent bodies are continuing to research and analyse, and to improve the quality of statistical indicators on the position of men and women on the labour market, and to raise awareness of stereotypes and barriers for the economic empowerment of women. The organisation of preschool education at the site of parent employment is encouraged, as is raising awareness of the importance of the principles of equal payment for equal work. Measures include the systematic collection and monitoring of statistics on the position of women on the market (difference between the sexes).

47. “National employment incentive plan, 2011–2012” includes measures for the employment of special groups – single mothers, mothers with four or more children, mothers of children with developmental impairments, mothers of children with malignant diseases, by securing 100% the costs of the gross salary over 12 months. The “Development strategy for female entrepreneurship, 2014–2020” implements measures to reduce unemployment and discrimination of women on the labour market. Women, particularly those with less education, victims of violence, long-term unemployment and members of national minorities, are vulnerable groups among unemployed persons, and also as a potential for the development of entrepreneurship. European Salary Equality Day (11% gap in favour of men) is celebrated annually, and the statistical indicators of how to adopt measures to reduce the existing gap are analysed and distributed.

48. The legislation is being improved and is aligned with the EU Directives pertaining to parental leave and gender equality on the market, appointments to professions, and salaries. For example, amendments to the Act on Maternal and Parental Support has aligned the duration of parental leave, prescribed conditions for the use of rights by only one parent, equalised the duration of adoption and parental leaves. Familial responsibilities and tasks, contribution and the new Nannies Act (regulation of activities) have been aligned. For the purpose of adopting a future strategy, an analysis has been drafted to define family policy.

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<sup>16</sup> See: PART II – paragraph 3

49. In the area of preventing and mitigating the consequences of violence, the legal framework includes: Act on Protection Against Violence (definition of violence; purposes; sanctions), Aliens Act (temporary stays for humanitarian reasons will be approved in cases of serious and justified reasons of a humanitarian nature for victims of domestic violence which have been left without appropriate care) and the “National Strategy for protection against domestic violence, 2011–2016”. Furthermore, shelters for women and children who are the victims of domestic violence continue to be financed, and aid is provided to victims via social welfare centres. The SAORC prosecutes perpetrators and keeps special records (gender of the accused, gender and age of the victim; type of activity; type of ruling). Records are kept on other criminal acts with elements of violence against women, and attention is given to questioning victims and avoiding secondary victimisation (particularly in the case of rape). MI keeps detailed statistics on the characteristics, state and trends of domestic violence. More than 4000 police officials have passed through various forms of education in the area of domestic violence and violence against women. In 2012, the Government adopted the “Protocol on procedures in the case of sexual violence”.<sup>17</sup>

#### RIGHTS OF CHILDREN (97.13; 96.5-6; 97.33; 97.67-68; 97.35; 98.12)

50. Despite the crisis, the Government maintains an appropriate level of care for children. In 2013, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure was signed, while in September 2014, the Third and Fourth periodical reports on the implementation of the CRC were successfully presented.

51. Low income families with children are recognised as being socially vulnerable. The new Social Welfare Act (2014) has replaced support aid with the institute of the guaranteed minimal benefit (increases with the number of children, and the household income does not include the child benefits). Also, social aid is ensured through the education support.<sup>18</sup> Within the framework of the “Development strategy of social welfare systems, 2011–2016” and the reforms to the family legislation, a new Family Act was adopted in 2014 and is aligned with international standards that introduce new extra-institutional measures for protecting the rights of children, define the implementation mechanisms, and enable the adoption of court decisions on the partial or full attainment of parental care for persons whose child is given to care and the decision that supplements the parental consent for the adoption of a child.

52. The Family Act regulates the right of the child (including if the child is a foreigner or stateless person) for the provision of opinions in procedures to decide on the child's rights and interests, and on special custodian for representation in such procedures. Upon turning 14 years of age, children may independently participate in procedures before bodies deciding on their rights. In September 2014, the “National Strategy on the rights of children, 2014–2020” was adopted, pursuant to the “Strategy of the Council of Europe on the rights of children,

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<sup>17</sup> See: Part II – paragraph 4

<sup>18</sup> Includes: co-financing textbooks; transport for secondary school pupils whose families are entitled to support; housing in pupil's dorms if the family is entitled to support or has an average monthly income below the census level; university study if the children were users of the right to permanent accommodation.

2012–15”<sup>19</sup> and the “EU Agenda for the rights of children” which abides by the “UN Guidelines for alternative care for children” to which one section is dedicated.<sup>20</sup>

53. Pursuant to the “Plan on deinstitutionalisation and transformation of social welfare homes and other legal persons performing social welfare activities, 2011–2016 (2018)” the “Operative Plan” was adopted, which envisages a significant reduction in the number of children in institutions and strengthening daycare services and support to families, in order to prevent separating the child from their biological families. Two IPA projects were implemented to support deinstitutionalisation, aimed at greater inclusion of service users in the social welfare system and the provision of support to experts in systems. Projects are carried out to improve capacities and the quality of work of experts in homes for children and youth with behavioural disturbances, and to strengthen foster care capacities.

54. With regard to the implementation of education with the principles of the best interests of the child, the networking of institutions and the accessibility of education has been improved. Subventions for inter-settlement transport has been secured for secondary school pupils in order to ensure accessibility to education for pupils outside of urban centres, while the stipend and subsidy systems for university study increase access to higher education for students from lower-income families. The “National Strategy for the rights of children, 2014–2020” contains 44 measures in the area of education.

55. The need to individualise access for pupils with developmental impairments has been recognised, with 18,385 pupils (5.56%) receiving education in regular or special institutions. This is achieved through programme and professional support, spatial, pedagogy and didactic adaptations and addition rehabilitation programmes. The objective is to make education accessible to this group of pupils and to achieve their improved inclusion and representation in the educational system and society as a whole.

56. The legal priorities for access to health care are being met, and a series of measures are implemented from the “National Policy for gender equality, 2011–2015”, directed at raising the quality and accessibility of health care protection for women and girls (improving the system for prevention and early detection of malignant diseases; preserving the reproductive health of women; awareness of sexually transmitted diseases) and the “National Strategy for the rights of children, 2014–2020” (32 measures). Pursuant to a decision of the minister of science, education and sports, health education is carried out in school through four modules: healthy living; prevention of violence; prevention of addiction; sex education.

57. In the area of combating domestic violence, the legislation has been aligned with international regulations.<sup>21</sup> With the Act on Protection from Domestic Violence, the “National

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<sup>19</sup> In Dubrovnik in March 2014, Croatia hosted of the Council of Europe conference “Growing with Children’s Rights” aimed at assessing the progress of this Strategy, and identifying future priorities.

<sup>20</sup> Broken down into four goals: (i) consistent protection of children's rights through the application of a standard of high quality social services, with an individualised approach towards the needs of the child; (ii) preserving the child's feeling of identity and continuously maintaining contact with the family and significant persons, pursuant to the child's best interests; (iii) high quality and coordinated activity and intersectoral cooperation of all systems responsible for the provision of child services in alternative care/biological families, for the purpose of ensuring a return to the family or finding a better solution (adoption or permanent foster care); (iv) preparation of the child for leaving care and beginning an independent life.

Strategy on the rights of children 2014–2020” (areas: sexual violence, child trafficking, corporal punishment, domestic violence, violence in schools) and the “National Strategy for the protection of domestic violence, 2011–2016”, intersectoral coordination has been strengthened. The following have been adopted: “Protocol on conduct in cases of violence among children and youth” with the obligations of competent authorities and the definition of ‘peer violence’ (also includes ‘conflicts’ without characteristic of a criminal act), “Protocol on conduct in cases of child abuse and neglect” (November 2014) and the “Ordinance on the conduct of educational personnel for the protection of the rights of pupils and reporting violations to the competent authorities”.<sup>22</sup> Furthermore, the Aliens Act allows for approval of a temporary stay for humanitarian reasons for a minor foreigner who has been abandoned or is the victim of organised crime, or has for other reasons been left without parental care, custody or accompaniment.

58. Juvenile imprisonment may be imposed for older minors (aged 16 to 18 years) for a criminal act for which the prescribed sentence is three years imprisonment or a more serious penalty, if the nature and gravity of the offence and the high level of guilt does not justify the imposition of educational measures, and instead a stronger penalty is required. In addition to the penalty of juvenile imprisonment, security measures may also be laid down, pursuant to the Criminal Code. For younger minors (aged 14 to 16 years), correctional or security measures are given. The court may rule that a minor is guilty of a criminal act, while retaining the penalty of juvenile imprisonment. With this retention, the court may rule for correctional measures of increased care and supervision for the minor, refer the minor to a disciplinary centre and one or more other specific obligations that may not last longer than the period of verification.<sup>23</sup>

59. Pretrial detention may be ruled against the minor only as a final measure, in relation to the weight of the act and the expected sanctions, for the shortest necessary period, and only if its purpose cannot be achieved through the application of precautionary measures, temporary housing or pretrial detention in the home. Such a minor is housed in a closed institution (until their establishment, the Decision of the minister shall apply by which special detention units for minors be established in jails and penitentiaries, in which such pretrial detention shall be executed). The minor is held separately from adult persons, only, if separate holding could be

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<sup>21</sup> Refers to the ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and the signing of the Convention on Preventing and Combating Violence against Women and Domestic Violence.

<sup>22</sup> In 2013, the Conference on violence in schools was also organised for experts, teachers and principals, with an interactive transmission for the public (identified the problems and risks for the appearance of violence and priorities, with the aim of prevention).

<sup>23</sup> Juvenile detention is carried out in a separate ward of the Požega penitentiary (closed/semi-open conditions) and the Valtura penitentiary (open conditions). Correctional measures laid down in the correction ward are also executed at the Juvenile Correctional Facility in Turopolje and the Juvenile Correctional Facility in Požega (minors may be categorised into correctional groups: positively stimulated groups in open conditions, correctional groups in semi-open conditions, or correctional groups with increased care and supervision in closed conditions).

a detriment to the minor, their holding with adult persons is permitted with the approval of the competent court.<sup>24</sup>

60. The education of Roma children has been improved, and the specificities of Roma girls is abided by.<sup>25</sup> The “National Strategy for the inclusion of the Roma 2013–2020” and the Action Plan have adopted measures for a sustainable and inclusive education policy for the Roma and has secured funds for this purpose.<sup>26</sup> The challenges are a high drop-out rate and exclusively Roma classes, and the measures for executing the ruling of the ECHR in the case *Oršuš* are regularly carried out. The “National Strategy for the rights of children, 2014–2020” contains seven measures for improving the education of Roma children. Support is also given to Roma parents: in 2013, 495 Roma were included in the adult education programme (446 in the literacy programme, 49 in the first qualifications programme).

61. Numerous projects are carried out to combat discrimination.<sup>27</sup> The Međimurje Police Directorate adopted the “Programme of preventative measures for increasing security and strengthening the social inclusion of the Roma”. In September 2014, the first “Security and Prevention Fair” was held in Nedelišće to familiarise Roma children from the preschool with the preventive activities of policy and to stimulate self-protective behaviours.<sup>28</sup>

#### PERSONS WITH DISABILITIES (96.2; 97.11; 97.26; 98.8)

62. Following from the “Operative plan for deinstitutionalisation”,<sup>29</sup> which places the emphasis on its prevention and the development of services and community support, progress has been seen in ensuring the right to life in the community. To the end of 2016, the following

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<sup>24</sup> Pertains to the jails at: Bjelovar, Dubrovnik, Gospić, Karlovac, Osijek, Požega, Pula, Rijeka, Sisak, Split, Varaždin, Zadar, Zagreb and the prison and jail in Šibenik.

<sup>25</sup> At the beginning of the 2012/13 school year, the following number of Roma children were recorded: 455 in kindergartens (222 girls and 233 boys); 356 in preschools (170 girls and 186 boys); 5173 in primary schools (2561 girls and 2612 boys); 480 in the first grade of 3-year secondary school programmes (194 girls and 286 boys), with a total of 503 in secondary education (207 girls and 296 boys). As an indicator, it should be emphasised that the number of pupils has increased four-fold since 2005, and that the gender ratio is even.

<sup>26</sup> Roma parents receive co-financing for kindergartens for children, and for extended school care, extracurricular activities, additional lessons in the Croatian language, and assistance for Roma assistants for school pupils. In secondary school, all pupils receive a stipend of EUR 652 per year (EUR 392 for those repeating a grade). A stipend of EUR 1034 per year has been secured for those in tertiary education, that have proclaimed themselves as members of the Roma national minority.

<sup>27</sup> The project “I have a choice” is implemented in schools in Zagreb and in Međimurje County (MI in cooperation with civil societies and the Croatian Red Cross) with the purpose of socialisation of Roma children (teaching the culture of dialogue, non-violence, human rights and non-discrimination) and creating a positive relation towards the police as facilitators. Also, the MSPY is a partner of the UNICEF office in the implementation of the project “See them differently, love them the same”, aimed at improving foster care for Roma children and stimulating foster care within the Roma community (implementation over 6 months to February 2015 in the Međimurje, Varaždin and Istrian Counties).

<sup>28</sup> For the special project implemented by police entitled “Living my life without violence“, see PART II - paragraph 7.

<sup>29</sup> More details on the Plan are provided in the section on children’s rights.



are expected: transformation of homes into community service providers in all counties; development of community support services with even regional distribution; deinstitutionalisation of 1043 beneficiaries who will attain the right to life in the community.<sup>30</sup>

63. As of 2013, the project “Transformation and deinstitutionalisation of the Stančić Rehabilitation Centre and the Zagreb Rehabilitation Centre” has been implemented in conjunction with the Open Society Institute, and to date, 164 beneficiaries have been deinstitutionalised.<sup>31</sup> Other institutions are being included, such as the Ozalj Rehabilitation Centre, in which organised housing has been arranged for 58 beneficiaries over several months. During 2013/14, a total of 389 beneficiaries were deinstitutionalised.<sup>32</sup>

64. The “Operative plan for deinstitutionalisation” envisaged that 20% of beneficiaries with mental impairments will be moved from institutions into 32 priority homes. Parallel to this, the services of organised housing offered by state homes for the mentally ill are being expanded. In 2013, 80 mentally ill persons were deinstitutionalised (57 were housed in organised housing with community support, and the remainder were placed in foster families). By October 2014, 22 persons were included in organised housing.

65. Supervision for the purpose of removing shortcomings in institutions is carried out regularly.<sup>33</sup> The Ombudsperson and the Ombudswoman for Persons with Disabilities visit beneficiaries and draft reports with recommendations to the competent minister, which includes them in their implementation. Furthermore, Croatia has fully abolished the institute of complete deprivation of legal capacity.<sup>34</sup>

66. In 2013, funds were secured for 129 three-year programmes for disabled person associations (EUR 4.3 million).<sup>35</sup> In order to ensure the sustainability of services in 2013, three-year programmes were approved for 121 assistance service providers (EUR 4.7 million).<sup>36</sup> For the purpose of ensuring an expansion of the service network, the MSPY secured financing from EU funds (continued competition in 2014), and the MSES ensured the sustainability of learning assistant services and their continued expansion.

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<sup>30</sup> See: PART II – paragraph 5 for support to the process via the EU.

<sup>31</sup> Of which: 71 beneficiaries of the Zagreb Rehabilitation Centre and 93 beneficiaries of the Stančić Rehabilitation Centre. It should be emphasized that 14 beneficiaries within the regionalisation process have been included in the organised housing programme in the areas they come from, three beneficiaries have been returned to their biological families, and one has been housed with a foster family.

<sup>32</sup> A total of 281 beneficiaries are included in the organised housing programme of social welfare homes, and 97 beneficiaries in the organised housing programme secured by the civil society.

<sup>33</sup> Two homes for mentally ill adults, ‘Breznica Đakovačka’ (124 beneficiaries) and the ‘Dragočajac Family Home’ (22 beneficiaries) have been closed. In the transfer of beneficiaries, the principle of an individual approach and cooperation with beneficiaries was followed, for the purpose of finding a permanent form of care.

<sup>34</sup> See: PART II – paragraph 6.

<sup>35</sup> Of which: 35 associations for the period 2010–2013; 52 associations for the period 2011–2014; 12 institutional supports for the Federation of Associations for Persons with Disabilities; 30 projects of associations for persons with disabilities.

<sup>36</sup> For: 631 beneficiaries using personal assistance services; 52 sign language interpreters; 16 seeing accompaniments for the blind.

67. Children with development impairments are rights holders on a uniform basis with other children. With the achievement of the principle “School for all”, the education system has been adapted to ensure access for all. Ordinances to assist children with developmental impairments, and to improve the conditions for gifted children have been adopted and regulated: the activities of mobile advisory services in special educational centres, and obligations at the local level that include financial and professional support and works programmes for these types of pupils. The “National Strategy for the rights of children 2014–2020” has introduced 15 measures for these children.

68. The Voter Register Act (2012) brings persons deprived of legal capacity on an equal footing with citizens holding voting rights, and more than 16,000 persons received that opportunity. To ensure that persons in institutions achieved voting rights in the next elections, a series of activities were undertaken (telephone and e-mail support, cooperation with the media, flyers). Following from the above, at the 2013 elections, legal provisions were carried out that prescribed the ability to vote for those voters who, due to physical impairments or illiteracy, serious disease, physical disorders, inability or disability were not able to independently vote or access the polling station. Also, amendments to the Act on the Election of Members to the European Parliament from the Republic of Croatia prescribes the voting of the blind with the assistance of other persons, and the obligation of the competent authorities to pass instructions regarding their voting.

#### HUMAN TRAFFICKING (96.3; 97.37-46; 98.9)

69. Though the national system for combating human trafficking has been aligned with the international standards, strategic documents are being supplemented in response to current trends, and intersectoral cooperation and cooperation with neighbouring countries is continuously being strengthened, with the support of the national coordinator for combating human trafficking.<sup>37</sup> In line with its EU membership, Croatia is adjusting to the international trends in response to the (possible) increase in migration and human trafficking, particularly from the transit aspect, and strengthening measures for the early recognition of potential victims among vulnerable groups.

70. Due to the specificities of trafficking women (sex industry) and children (begging, prostitution), protection measures and measures to identify victims are being strengthened, and cooperation with police and the SAORC improved to ensure more efficient prosecution of perpetrators. Pursuant to the annual report on the implementation of the “National Plan for combating human trafficking 2012–2015”, the Government has insight into the current situation and a foundation for further action. The “National Strategy for the rights of children 2014–2020” envisaged four measures to protect against the trafficking of children.

71. In accordance with the “Protocol on conduct in the case of a voluntary return of a victim of human trafficking”, (only) voluntary repatriation is possible (primary competency of MI with the cooperation of other sectors and the civil society) and that return must meet the

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<sup>37</sup> Since the establishment of the human trafficking prevention system (2002), RC successfully cooperates with the CoE, OSCE, ICMPD, UNDOC, UN mechanisms, including the Human Rights Council, and uses IPA projects to adapt the system.

security criteria for the victim, including communication with the institutions in the country of return. Otherwise, in line with the Aliens Act, temporary residence for humanitarian reasons will be approved for a foreigner who, as a victim of human trafficking, accepts the assistance and protection programme.

72. The civil society is a partner and part of the National Committee for combating human trafficking and its Operative team. Shelters, one for adult victims and other for children, are run by civil society organisations (and are financed from the State Budget).

73. In terms of increasing sensibility in reporting, for the purpose of protecting the privacy of victims and preventing secondary victimisation, education is ongoing for the media. Targeted education is also carried out for judges under the IPA project “Improving the human trafficking identification system”.

#### MINORITIES

(97.21-24; 97.72; 97.74-80; 98.6; 98.19)

74. With regard to the protection of rights and ensuring equality for members of national minorities, the “Action Plan for implementation of the Constitutional Act on the Rights of National Minorities 2011–2013” (CARNM) is implemented, and EUR 1.8 million has been secured in that period. In 2010, amendments to the Constitution and the CARNM guaranteed the explicit equality of all national minorities – 22 in total. The Report on the implementation of the Action Plan outlines that the majority of measures have been implemented, particularly in the areas of education, cultural autonomy, religious rights and representative democracy.

75. For the purpose of improving the representation of national minority representatives, in the “Action Plan for the employment of national minorities in SAB 2011–2014”, the Government has set the threshold of a 5.5% share in the total number of employees. In 2012, 1,752 (3.378%) members of national minorities were employed (including professional services and Government offices) and efforts are continuing to reach this threshold (the “Decision on prohibition of new recruitments of civil servants and employees” is in effect, which impacts minorities). The shortcomings were clearly addressed in the report for 2012 on the implementation of the Action Plan (barriers to recruitment and the late release of results, which hindered the full implementation of their rights).

76. National minorities are guaranteed the right to representation in the Croatian Parliament. Of the eight minority representatives, the Serbian national minority are represented by three; the Italian, Hungarian, and Czech and Slovak minorities each by one; the Albanian, Bosnian, Montenegrin, Macedonian and Slovenian minorities jointly by one; and the Austrian, German, Ruthenian, Ukrainian, Jewish, Roma, Bulgarian, Russian, Romanian, Polish, Vallachian and Turkish minorities jointly by one representative.

77. Furthermore, national minorities have the right to elect representative bodies in local self-government units (LSG) and the right to propose measures to improve their position and candidates for state administration bodies and LSG. At the 2011 elections for councillors and representatives of national minorities, 276 councillors and 169 representatives were elected.<sup>38</sup>

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<sup>38</sup> Specifically: 14 councillors and 24 representatives of the Albanian NM; 22 councillors and 15 representatives of the Bosnian NM; 1 representative of the Bulgarian NM; 7 councillors and 6 representatives of the Montenegrin NM; 12 councillors and 10 representatives of the Czech NM; 19 councillors and 20 representatives

Of the 97 units (85 municipalities and cities; 12 counties) in which the representation of members of national minorities is secured in the administrative bodies of the LSG, that right was achieved in 62 units (in 16 units the members of a certain national minority are the majority of the voter body<sup>39</sup>). In 2013, the Government adopted the “Decision on the financing of the work of councils and representatives of national minorities in areas of poor economic development of the LSG”, which created a uniform position for all councils and representatives in the financial sense, regardless of where they operated. This Decision secured EUR 43,800 for 84 councils and 24 representatives.

78. MJ keeps statistics on minority representation in judicial bodies (including officers and employees) that are ensured by the CARNM and drafts the fundamental organisational regulations in the judiciary. The Courts Act prescribes that consideration must be given in the recruitment of court officials and employees on the representation of members of national minorities; the Act on the State Justice Council and the State Attorney Act prescribe that in the appointment of judges or deputy state attorneys, consideration must be given to the representation of members of national minorities according to the provisions of the CARNM, and national minorities are granted the right to call upon the CARNM when applying for free positions. In 2012, MJ drafted and disseminated an informational flyer on achieving the rights to the use of the minority language before judicial bodies, and a promotional poster referring to Article 22 of the CARNM in recruitment to those bodies. The “Analysis of the minority representation in judicial bodies” was drafted in 2010.<sup>40</sup>

79. In the implementation of the CARNM, in the part pertaining to minority participation in the decision-making process, the OHRRNM implements a series of activities, including the organisation of seminars to improve the work of councils and representatives of national minorities in order to improve dialogue and to improve cooperation with LSG bodies. Furthermore, the OHRRNM promotes the declaration of minorities as such in the population census, in order to consume the guaranteed rights according to the CARNM. Prior to the calling of elections for members of representatives and executive bodies of the LSG, the OHRRNM motivates members of minorities to run for office, and motivates members of minorities to head to the polls to elect their representatives.

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of the Hungarian NM; 4 councillors and 9 representatives of the Macedonian NM; 2 councillors and 6 representatives of the German NM; 1 representative of the Polish NM; 17 councillors and 11 representatives of the Roma NM; 2 representatives of the Russian NM; 4 councillors and 2 representatives of the Ruthenian NM; 6 councillors and 6 representatives of the Slovak NM; 9 councillors and 13 representatives of the Slovenian NM; 143 councillors and 24 representatives of the Serbian NM; 13 councillors and 10 representatives of the Italian NM; 1 councillor and 8 representatives of the Ukrainian NM and 1 representative of the Jewish NM.

<sup>39</sup> In 2012, a total of 12,990 officials and employees worked in the executive bodies of LSG (an increase of 75): 594 or 4.57% were members of one of the 22 NM (increase of 2); 71 or 0.55% were of unknown affiliation (increase of 10) and 3 or 0.023% of officials and employees were of the Islamic affiliation (increase of 1). The highest number are Serbs (331), and Italians (90), followed by Bosnians (43), Hungarians (32), Slovenians (25), Czechs (20), Montenegrins (15), Slovaks (9), Macedonians (8), Germans (6), Ruthenians (3), Albanians (3), Roma and Jewish (2 each), and one representative each of the Austrian, Bulgarian, Polish, Romanian and Russian NMs.

<sup>40</sup> Following the reported derogation of employment by counties, round tables were organised (in Osijek, Vukovar, Gospić) for the purpose of encouraging minority representatives to take advantage of their right to preference in employment in those bodies (Art. 22, CARNM).

80. Progress in promoting interethnic tolerance is seen in the annual Government report to the Croatian Parliament on the implementation of the CARNM. The OHRNM and the National Minority Council have intensified their activities in this area.<sup>41</sup>

81. The Criminal Code (2013) has improved the legislative framework for hate crimes – each criminal act may be conducted out of hatred, and for some acts, their conduct out of hatred is explicitly prescribed as a qualifying circumstance, while for other criminal acts, it is prescribed that such a circumstance is considered as aggravating. The Act contains specific criminal acts, such as: violations of equality (new discriminatory bases have been introduced – marital status, age, health condition, disability, genetic heritage, expression of gender identity, sexual orientation), violations of the right to express one's national affiliation, and public incitement to violence and hatred.

82. The “Agreement between the Government and Croatian Radio Television for the period 2013–2017” lays down the programming commitments on broadcasting content for national minorities. Furthermore, the Fund for the Promotion of Pluralism and Diversity of Electronic Media earmarks funds to stimulate the production and broadcasting of audiovisual and radio programmes of non-profit foundations that are of importance for national minorities. In line with the remarks of Members of Parliament, the Electronic Media Act will be updated in the part pertaining to the financing of minority programming.

83. The Government pays particular attention to the achievement of the rights of members of the Roma national minority under equal conditions, pursuant to law and the guaranteed Constitutional position. Following from the “National Strategy for the inclusion of Roma 2013–2020” and the “Action Plan of the Decade of Roma Inclusion 2005–2015”, measures and programmes to combat discrimination and segregation, and to implement the integration of the Roma and nurture tolerance are systematically implemented.<sup>42</sup> This includes the Conclusion of the Croatian Parliament on support to establishing “World Roma Language Day” and the establishment of courses for the Roma language, literature and culture at the

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<sup>41</sup> As part of the organisation to mark the 10th anniversary of the adoption of the CARNM, a formal commemoration was held and attended by experts, representatives of SAB, representatives of minorities, members of minority associations, representatives of local and regional governments, and members of the council of national minorities. An analysis of the status was presented.

<sup>42</sup> For example, the Medimurje Police Directorate, in line with the Strategy, adopted a programme of preventative measures to increase security and social inclusion of the Roma. Implementation of the project “Increasing citizen awareness for the purpose of more effective implementation of the CARNM, combating stereotypes and prejudices towards the Roma” is under implementation, while workshops were held to affirm the issues of status rights of the Roma and statelessness.

In September 2014, under the organisation of the “Roma Association”, the police became actively involved in the project “TRAVel – Travel, Variety, Equality and Learning”, which encompasses the prevention of all types of violence, legal regulation and information on the responsible institutions that offer support to potential victims. The target groups are young people (including the Roma) from Croatia, Hungary and France, and their leaders.

At the commemoration of Human Rights Day in 2012, a round table was organised in Zagreb in cooperation with the CoE (as part of the “Enough” campaign) on the prejudices towards the Roma, aimed at raising awareness and overcoming stereotypes. The campaign promotes the informative and educational roles of the media in combating discrimination and raising the awareness of journalists on the importance of promoting anti-discrimination messages in the media. In 2012, financial support was provided to the Festival on human rights films (and two discussions were held: “Roma in Europe” and “Roma in film and visual arts”).

University of Zagreb, and the commemoration of “International Remembrance Day of the Victims of the Roma Holocaust” (Porajmos). A priority of the Croatian chairmanship of the “Decade for Roma Inclusion, 2005–2015” was including topics of the historical experience of Roma in Europe (promoting tolerance and non-discrimination, the role of young Roma in the implementation of tolerance).

84. The “National Policy for gender equality, 2011–2015” contains a specific goal to increase the position of members of national minorities, particularly Roma women, for which special measures have been prescribed (including education of civil servants and employees on the issues; increasing the number of stipends for education; monitoring statistical data in the area of education). The OGE participates in discussions and conferences on human rights of minority women, and financial support to the associations of Roma women.<sup>43</sup>

85. Pursuant to the contemporary legal framework, minority women are guaranteed equality of access (in line with the new Constitution and listing of all national minorities – 22 in the preamble). Also on that basis, Slovenians in Croatia (10,500 members) achieve rights.<sup>44</sup>

86. With the amendments to the Aliens Act (2013), the regulation of permanent residence includes foreigners born in Croatia, or living in Croatia since birth, and which have not regulated their residence for justified reason. The Act encompasses the Roma minority that has strong bonds with Croatia, and advances the implementation of the Zagreb declaration. The “National Strategy for the Roma” proposes the resolution of this issue to 2020. The Act regulates the permanent residence of children living in Croatia, and whose parent(s) had approved permanent residence at the time of their birth.

87. In addition to the “Migration policy”, the Government has adopted the “Action Plan for removing the barriers in achieving individual rights in the area of integration 2013–2015” by which continuous measures are proposed towards aliens, asylees and persons under subsidiary protection in the areas of education, health care, social policy, culture, housing, employment, and combating discrimination. Activities to raise public awareness of the rights of migrants and asylum seekers have been intensified.<sup>45</sup>

## REFUGEES AND DISPLACED PERSONS (96.4; 97.81-86; 98.7; 98.17; 98.20-21)

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<sup>43</sup> The office has financed the drafting of the internet portal for young Roma women, aimed at providing information in the area of education and employment. Also, financial support has gone to the work of the Croatian Club of Albanian Women 'Queen Teuta', to organise the regional cultural event 'Queen Teuta'.

<sup>44</sup> Particularly through representatives in the National Minority Council, and 9 councillors and 13 representatives of the Slovenian national minority, and through the Federation of Slovenian Societies. The programmes of 10 Slovenian cultural societies are financed from the budget.

<sup>45</sup> 'World Refugee Day' is commemorated and a round table was organised on the life and customs of this population, including exhibits and sporting activities. In 2013, MI held a workshop on the need for media coverage on asylum seekers, asylees and migrants. In 2013, Croatia successfully chaired the “MARRI Initiative”, which encompasses the areas of migration, asylum, border management, visa regime, consular aspects and the return of displaced persons, with the aim of improving the movements of people in the Western Balkans.

88. Croatia has ratified the key international instruments, and is an active participant of the regional process to resolve the refugee issue (commenced by the Sarajevo Declaration, 2005) which in 2011 was transferred from the political framework to the technical level. This was agreed among the partnership countries, in cooperation with the UNHCR, EC, OSCE, CEB and USA in order to achieve a lasting housing solution for 27,000 families (74,000 persons). In 2013–2017, 3,541 families (8,529 persons) will be cared for – currently in Serbia and partly in Montenegro and BiH (majority of Serbian nationality).

89. As a precondition to achieving return policies and recovery of war-destroyed areas, the Government continuously builds on the financial and social assumptions. This is achieved by meeting the benchmarks of the Action Plan, by which housing units were secured for 473 families, and the process of securing homes is ongoing for another 619 families (with previous decisions).<sup>46</sup> In terms of housing in collective centres, of the 90,000 persons in 500 organised housing units, only 428 remain (217 families).<sup>47</sup> The deadline for the submission of applications for housing care outside areas of special state concern has been opened three times (most recently: from April to August 2013), while the submission period is still open in areas of special state care. The “Return programme for returnees and the moving of household items from Serbia to Croatia” is under implementation. The costs to the border are covered by Serbia, while costs to the place of residence are covered by Croatia.<sup>48</sup>

90. Croatia cooperates with the UNHCR in the implementation of the Regional Housing Programme (RHP). The UNHCR is included in the working group which in Croatia deals with the selection of users (considers individual requests for housing care according to the UNHCR vulnerability criteria that give precedence to the RHP). The role of the UNHCR is advisory – in verifying users that are eligible for housing care and determining the sustainability elements of projects financed from the RHP Fund, including access to rights and means for life. It has a significant role in the application of new projects – it gives its consent which guarantees the self-sustainability of projects and beneficiaries that meet the vulnerability criteria, and in the drafting and distribution of information on the RHP.

91. For the accommodation of displaced persons and refugees, abandoned private structures were used and have since been returned to their owners. To date, 19,280 structures have been returned. Of the remaining 39 cases, 14 housing care procedures have been initiated, while the remainder are being resolved in line with the securing of housing units. In

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<sup>46</sup> For 212 families, addresses have been determined, though the accommodations are not yet accessible; for 407 families, securing accommodations is underway, while the remaining 5505 cases are unresolved applications by former holders of tenancy rights have been forwarded to the first degree state administration bodies.

<sup>47</sup> In detail: 3 exile/refugee settlements; 2 hotels; 2 facilities for the care of the elderly, sick and infirm; 4 social and health care institutions (capacity 14 persons). The plan envisages care for 217 families, as follows: at the time of realisation (40 refugee families from Kosovo accommodated in the refugee settlement Mala Gorica are awaiting the move to the new Dumače settlement); 41 in the housing care programme; 106 in the social welfare system; 2 pursuant to the Reconstruction Act. Another 9 families are awaiting the determination of the type of permanent solution; for 18 who have secured accommodation, the procedures of moving out of the organised housing is being initiated.

<sup>48</sup> In 2012, 12 organised return convoys were carried out for 23 families (29 persons) from Serbia into Croatia. In 2013, 15 convoys were organised for 28 families (28 persons), and in 2014, 7 convoys for 14 families (14 persons).

order to resolve the remaining costs of reimbursement of funds invested by the temporary housing users into private property, amendments have been made to the Act on Areas of Special State Concern that enables the conclusion of settlements with owners. Also, 149,818 housing units have been reconstructed, and the reconstruction of 155 family homes is ongoing.

92. Due to difficult circumstances, the permanent residence of returnees is regulated under favourable conditions, under the following conditions: that they had residence in Croatia on the date 8 October 1991, that they are beneficiaries of the programmes of return or reconstruction or housing care, and that their intent for permanent resettlement is ascertained. Upon approval of residence, citizenship applications are resolved as a priority. Pursuant to the Aliens Act, the temporary residence for humanitarian reasons will be approved for foreigners who, until the date of submission of the application had refugee status for at least 10 years or were included in the programmes of reconstruction or return or housing care.

93. The successful integration of returnees is ensured through free access to the labour market for aliens with permanent residence (without a work permit) and numerous rights (including professional training, education, student stipends, social care, pension and health care, child benefits, maternity and parental support, tax breaks, the freedom of association, and memberships in organisations that represent workers or employers).

94. The Croatian asylum system is organised on the basis of the Asylum Act. The scope of protection, and the procedures, including the right to free legal aid and legal remedy have been aligned with the EU *acquis communautaire*, thus securing protection for third party nationals (stateless persons, refugees, aliens under subsidiary protection). The Act on International and Temporary Aid will be adopted in 2015. In terms of improving the joint European asylum system, MI cooperates with the European office for support, and actively cooperates with the civil society in the implementation of projects.<sup>49</sup>

95. Measures are taken to improve the quality and additional capacity of accommodations, and in light of the continuing increase of asylum seekers since 2011, the capacities have been significantly improved.<sup>50</sup> The “Protocol on conduct in securing accommodation for asylees and aliens under subsidiary protection” has been adopted to improve the coordination of integration officials from MI and social welfare centres. In 2013, their accommodation in flats began.

96. In accordance with the “Migration policy 2013–2015”, the Permanent Committee for the Implementation of Alien Integration was appointed, and identified the problems. In 2013, the “Action Plan for removing barriers in achieving individual rights in the area of alien integration into the Croatian society 2013–2015” was adopted. In 2014, the Government accepted the report on its implementation.

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<sup>49</sup> See: PART II – paragraph 8.

<sup>50</sup> The capacities of the Zagreb Shelter for Asylum Seekers has been expanded and permits the accommodation of an additional 600 persons. In June 2014, the renovations to the Kutina Shelter for Asylum Seekers was completed, which is intended for the housing of families, unaccompanied minors, and other vulnerable groups of asylum seekers. Also, the Ježevu Foreigners Reception Centre is undergoing renovations to improve the existing capacities.



97. Since 2006, the systematic and specialised support for the processes of regional reconciliation and support to victims for finding just solutions has continued. The MJ support system functions within the framework of the Ministry – Independent Service for support to victims and witnesses<sup>51</sup> and at county courts.<sup>52</sup> Also, the Committee for monitoring and improving the system of support to victims and witnesses was established in 2010 and is entrusted with standardising conduct with victims and witnesses. The National call centre for victims, criminal acts and misdemeanours, run by volunteers of the Association for support to victims and witnesses, has been operating since July 2013.

98. Pursuant to the Act on Monetary Compensation, as of October 2013, the victims of criminal acts with elements of violence achieve the right to: compensation of medical treatment costs (if they are not insured under the compulsory health care plan), compensation for lost earnings, and indirectly have the right to compensation for the loss of legal support and for funeral costs.

99. Croatia has not terminated any person's right to a pension, though the payment of pensions over a certain period was not possible due to the termination of intercountry payment transactions caused by the war circumstances not caused by Croatia. Croatia and Serbia are currently discussing the resolution to this issue and negotiations on concluding a bilateral intercountry agreement on social insurance that would resolve this outstanding issue.

#### WAR CRIMES

(97.51; 97.54-58; 98.13-14)

100. By closing Chapter 23 – Judiciary and Fundamental Human Rights and with its accession to the EU, Croatia demonstrated its commitment to the investigation and prosecution of war crimes, though that process has been hindered due to the inaccessibility of perpetrators, evidence and witnesses to the Croatian justice system (dispersion in the area of the former Yugoslavia). In the context of strengthening regional cooperation in the processing of criminal acts of war crimes, Croatia has a leading role in the region. Regional cooperation has been improved between the SAORC and the Prosecutor for War Crimes of the Republic of Serbia with which Croatia has had an agreement since 2006 and with the Prosecutor's Office of BiH (Protocol on the prosecution of perpetrators of war crimes, crimes against humanity and genocide signed in June 2013). There are four specialised (county) courts for the prosecution of war crimes, in Osijek, Rijeka, Split and Zagreb. War crime departments (specialised state attorney's offices) operate within the county state attorney's offices. The Criminal Code (2013) has allowed for the unburdening of county courts to allow them to dedicate their attention to war crimes.

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<sup>51</sup> The service secures: psychological assistance and information on the rights of victims and witnesses; mediation in securing the physical protection of witnesses in war crimes cases who come to Croatia from abroad to testify, and for witness from Croatia who testify abroad; notifies victims, witnesses and their families of the release of prisoners; performs technical tasks for the Board for monetary compensation to the victims of criminal acts pursuant to the Act of the same name; allocates just monetary compensation for unfounded arrests and the unjustified conviction of persons. Its task is also the institutionalisation and development of the support system within the judiciary, and the coordination of the work of departments for the support to victims and witnesses in courts.

<sup>52</sup> There are seven Departments for support to victims and witnesses in the county courts (Zagreb, Vukovar, Sisak, Zadar, Osijek, Split and Rijeka).

101. In war crimes cases, a Decision has been passed by which witnesses and victims from Croatia testing at courts in RC receive organised transport to the court in a MJ vehicle where the court it not able to organise transport. Witnesses from RC summoned via international legal aid to testify at the High Court in Belgrade, or witnesses from Serbia summoned to testify at one of the four county courts in Croatia that prosecute war crimes may, if they request, receive organised transport to the court and police protection (in cooperation with the officials of the MI).

102. Croatia fully cooperates with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and regularly meets all requests for cooperation, particularly in terms of obtaining/delivery of documentation.<sup>53</sup> In September 2014, the SAORC signed the “Memorandum of Understanding between SAORC and the Office of the Prosecutor of the Mechanisms for international criminal courts” for the purpose of more efficient prosecution of perpetrators of serious violations of international humanitarian law committed in the area of the former Yugoslavia from 1991, taking into account that the prosecution is led by the ICTY, Mechanism for international criminal courts, and the domestic courts.

103. International cooperation in the region (assistance in cases) is ongoing daily, pursuant to agreements between prosecutor's offices. Prosecutor's offices receive data and evidence on the perpetrators residing in their countries and holding their citizenship.<sup>54</sup> The SAORC possesses separate funds for work on war crimes cases.

104. In war crimes cases, the State Attorney's Offices conducts itself in an unbiased manner, and also prosecutes the members of the Croatian military and police. Work to uncover and prosecute war crimes has intensified, in line with the “Action Plan from 2011 on the implementation of the Strategy on the investigation and prosecution of war crimes committed in the period 1991 to 1995”. In 2013, new national priorities were set, and regional priorities revised, for the purpose of increasing efficacy. With the designation of specialised courts and state attorney's offices for war crimes, and the identical organisation in the police directorates, efficacy is increased in the work in cases against known perpetrators, and also in cases in which the perpetrators have not yet been found.

105. The case of Gotovina et al. was legally completed with an acquittal on 16 November 2012. The SAORC has requested the documentation of the ICTY and Office of the Prosecutor of the ICTY in order to allow the national justice system to continue with the determination of perpetrators of war crimes committed during and after Operation 'Storm'.

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<sup>53</sup> Evident in the final report of Chief Prosecutor Brammertz to the UN Security Council and from the final annual report presented in October 2014 by Tribunal president Meron to the UN General Assembly.

<sup>54</sup> See: SAORC website