

# UNIVERSAL PERIODIC REVIEW

## Republic of Croatia

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

February 2019



Republic of Croatia

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## **Ratification and reporting process**

### **5.1. Join more human rights treaties and optional protocols (Israel);**

Upon gaining its independence, the Republic of Croatia accepted part of human right treaties through succession, and since then has continued to accept them and is today a party to almost all of them. During the reporting period, it ratified the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (CRC-OP-IC) and the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter: the Istanbul Convention).

### **5.2. Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and recognize the competence of its Committee (Uruguay);**

The ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) is still under consideration, and a further decision will be reported in the report for the third cycle of the Universal Periodic Review.

### **5.3. Ratify the ICPPED (Argentina); /Ratify the ICPPED (France); /Ratify the ICPPED (Costa Rica); /Ratify the ICPPED (Portugal);**

See 5.2.

### **5.4. Ratify without delay the ICPPED (Bosnia and Herzegovina);**

See 5.2.

### **5.5. Accelerate efforts to ratify the ICPPED (Rwanda);**

See 5.2.

### **5.6. Accelerate the progress to ratify the ICPPED (Iraq);**

See 5.2.

### **5.7. Proceed to ratify the ICPPED (Serbia);**

See 5.2.

### **5.8. Intensify efforts to ratify the ICPPED (Sierra Leone);**

See 5.2.

### **5.9. Ratify Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) (Portugal); /Ratify the OP-ICESCR (Greece);**

See 5.10.

**5.10. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (France);**

Croatia is considering accession to it.

**5.11. Consider ratifying the OP-ICESCR (Namibia);**

See 5.10.

**5.12. Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP-CRC-IC) (Morocco); /Ratify the OP-CRC-IC (Portugal); /Ratify the Optional Protocol to the Convention on the Rights of Child establishing procedure for submission of communications (OP-CRC-IC) (Benin);**

Croatia has ratified the OP-CRC-IC.

**5.13. Speed up the process of the ratification of the OP-CRC-IC (Slovakia);**

See 5.12.

**5.14. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Kyrgyzstan); /Accede to the ICRMW (Sierra Leone)\*;**

\*Croatia has not accepted the recommendation, see document A/HRC/30/14/Add.1

**5.15. Consider ratifying the ICRMW (Rwanda); /Consider ratifying ICRMW (Philippines); /Consider ratifying ICRMW (Nicaragua)\*;**

\*See 5.14.

**5.17. Sign and ratify relevant international instruments relating to refugees and asylum- seekers (Benin);**

Croatia has ratified the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. Also, the legislation in the area of asylum and migration complies with international principles and the EU *acquis communautaire*. As an EU Member State, Croatia fulfils its obligations by directly applying EU regulations or by transposing EU directives into its national law (Dublin Regulation No. 604/2013, Regulation (EU) No 603/2013 on the establishment of 'Eurodac', Qualification Directive 2011/95/EU, Asylum Procedure Directive 2013/32/EU, Directive 2013/33/EU laying down standards for the reception of applicants for international protection, Temporary Protection Directive 2001/55/EC).

**5.18. Ratify the Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence (Netherlands); /Accede to the Council of Europe Istanbul Convention on Preventing and Combatting Violence against Women and Domestic Violence (Turkey); /Ratify the Istanbul Convention on Preventing and Combatting Violence against Women and Domestic Violence (Austria);**

The Convention has been ratified by Croatia, and has been in force in Croatia since 1 October 2018.

**5.19. Ensure rapid ratification of the Council of Europe Convention on prevention and combating violence against women and domestic violence (Italy);**

See 5.18.

**5.22. Take concrete measures to fight all forms of violence against women, including by ratifying the Istanbul Convention (Germany);**

Concrete measures are being taken, including on the basis of the Convention that has become part of the domestic legal system. In addition, significant funds are being earmarked for this purpose; for illustration, these are the activities undertaken by the Ministry of Justice: HRK 200 000.00 is planned to be earmarked annually for the improvement of interventions and for the building of the prison system staff's competencies for the application of the Convention in the first three years, while HRK 600 000.00 has been earmarked for psychosocial treatment during criminal and misdemeanour proceedings. Additional HRK 400 000.00 will be earmarked for the enforcement of the protective measure of compulsory psychosocial treatment and the security measure of compulsory psychosocial treatment. A minimum of HRK 600 000.00 will be earmarked for free legal aid in civil matters and for the implementation of Article 56 of the Convention („Measures of protection“). For statistical data collection and research, as provided for in Article 11 of the Convention, the electronic data system will be upgraded.

**5.23. Recognize the competence of the Committee on elimination of racial discrimination in a pursuing to article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (Algeria);**

Croatia has a strong legal framework for individual complaints. As the recommendation has been accepted, it is currently being considered and the follow-up will be reported in the third UPR report.

**5.16. Consider ratifying ILO Convention 189 on male and female domestic workers (Nicaragua)<sup>1</sup>; / Consider ratifying ILO Convention 189 (Philippines)\*;**

\* Croatia has not accepted the recommendation, see document A/HRC/30/14/Add.1.

**5.65. Submit its overdue reports to the human rights monitoring bodies (Portugal);**

Work is currently underway to regulate the obligation concerning the submission of all overdue reports under the CERD, and a periodic report under the CRC, as well as the first report under the Optional Protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography, are being prepared.

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<sup>1</sup> Convention Concerning Decent Work for Domestic Workers.

**5.66. Submit its second periodic national report to the Committee on Economic, Social and Cultural Rights, which has been due since 2006 (Republic of Korea);**

Croatia will report on the submission of this report in its report for the third UPR cycle.

**5.41. Consider establishing an inter-ministerial committee responsible for the implementation of its international human rights obligations, inter alia, for coordinating the drafting of the national reports to the Treaty Bodies (Portugal)\*;**

\* Croatia has not accepted the recommendation, see document A/HRC/30/14/Add.1.

**5.64. Include civil society organisations in the process before finalising and submitting the National Report <sup>2</sup> (Norway);**

Civil society organisations (hereinafter: CSO) are regularly involved in the reporting process.

### **Legislative and institutional framework**

**5.24. Continue to strengthen its human rights framework, including through giving full implementation to existing institutional and legal protections (Australia);**

In order to protect, respect and promote human rights, measures synergistically defined through various national strategies, programmes and action plans on human rights and covering a wide range of areas and topics, including the needs of particularly vulnerable social groups, are continuously implemented.

**5.43. Implement and apply human rights legislation in practice as well as implement ombudsman's recommendations (Slovenia);**

For the purposes of strengthening the system for the protection of human rights, the Government monitors the annual reports of the People's Ombudsperson and regularly submits them to the Croatian Parliament for opinion.

**5.36. Intensify efforts at improving and strengthening its human rights institutions (Nigeria);**

In addition to the institution of the People's Ombudsperson, there are also three special ombudspersons: for children, for gender equality and for persons with disabilities. For ombudsperson institutions to be more accessible to citizens, regional offices of the Office of the People's Ombudsperson and of the Office of the Ombudsperson for Children have been opened in Rijeka, Osijek and Split, and a regional office of the Office of the Ombudsperson for Persons with Disabilities has been opened in Osijek.

**5.44. Consider developing Human Rights Indicators, as suggested by the OHCHR, as an instrument that allows for a more precise and coherent evaluation of national human rights policies (Portugal);**

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<sup>2</sup> Concerns the report under the UPR process.

A number of activities are continuously undertaken to support the development of Human Rights Indicators. An example is the „Comprehensive research into basic data to monitor the implementation of the National Strategy for the Inclusion of Roma 2013–2020“, which was carried out in 2017 and 2018.

**5.45. Continue implementing its various national programmes and policies, in particular “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“<sup>3</sup> (Indonesia):**

The proposed activities continue progressing: within the Office for Human Rights and the Rights of National Minorities, the Working Group on the assessment of the implementation of the National Programme for the Protection and Promotion of Human Rights 2013–2016 and the Working Group on the development of the National Programme for the Protection and Promotion of Human Rights 2018–2021 have been set up, and the Action Plan for the integration of persons who have been granted international protection 2017–2019 has been adopted, which defines strategic areas and the measures to be taken to ensure optimum conditions for the integration of foreigners into the Croatian society.

**5.42. Finalize the draft Strategy and Action Plan to Combat Corruption and effectively prosecute the perpetrators of corruption acts (Turkey);**

Following the accession to the EU, Croatia has developed more robustly the strategic framework for preventive action on causes and risks of corruption. Croatia's approach to the development of strategic documents involves ensuring that all stakeholders (governmental and non-governmental sectors, media and social partners) act in synergy; Croatia also takes measures to identify corruption-prone business processes and legislative shortcomings, and undertakes targeted anti-corruption interventions.

The directions set out in the strategic framework are articulated in the Anti-Corruption Strategy 2015–2020, which identifies the priority areas and the key objectives for strengthening the anti-corruption mechanism in seven priority areas: judiciary, economy, agriculture, healthcare, science, education and sports, infrastructure, environment and transport. Measures to manage the identified risks cover the strategic areas relating to the regulation of conflicts of interests, the public procurement system, the political system and the administration at central and local government levels, the work of public administration, the work of state-owned companies and of those owned by local and regional self-government units, the access to information at public authorities and the strengthening of the role of CSOs, citizens and the media in combating corruption. Biannual action plans are successively adopted to elaborate the strategy (so far, the following action plans have been adopted and implemented for the Anti-Corruption Strategy 2015–2020: the Action Plan for 2015 and 2016, and the Action Plan for 2017 and 2018. The preparation of the Action Plan for 2019–2020 is underway).

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<sup>3</sup> The actual name is: „Action Plan for the removal of obstacles to the exercise of particular rights in the area of integration of foreigners, for the period 2013–2015“.



The new anti-corruption strategic framework stresses the importance of taking repressive action and strengthening the statutory regulations, as well as the further application of preventive anti-corruption mechanisms to enhance the efficiency, transparency and expertise of responsible public institutions.

**5.37. Increase the human and financial resources made available to the office of the Ombudsperson to enable it to fulfil its expanded mandate (Sierra Leone);**

Funds for the work of the Office of the People's Ombudsperson are earmarked in the State Budget and are continuously increased on an annual basis, thus allowing for an increase in the number of staff members. As a result, and in accordance with the civil service admission plan, the Office of the People's Ombudswoman employed two new staff members in 2017, and four in 2018.

**5.38. Allocate the necessary resources to ensure the effective operation of the Office of the Ombudsman (Timor-Leste);**

See 5.37.

**5.39. Even if only in a modest and gradual way, increase the personnel and financial allocations to the ombudsman in order to ensure that the stronger legal position of the office is also reflected in its human and financial capacities (Hungary);**

As stated above, a significant increase in the number of staff members in the Office of People's Ombudswoman has occurred in the last two years, with eight new staff members being employed. Funding for the Office, including its regional offices, has also increased.

**5.40. Explore ways of provision the necessary resources to ensure the independent and effective operation of the Ombudsman's Office (Ukraine);**

In addition to the funds earmarked in the State Budget, the Office of People's Ombudsperson may also acquire additional funds for the implementation of special programmes and projects in which it intends to participate.

**5.122. Take steps to ensure adequate support and access to healthcare facilities, for those in rural areas (Maldives);**

The health care of the population is implemented on the basis of the principles of equality, continuity and accessibility. The number and distribution of health care facilities are determined through the Public Health Care Service Network, which is determined on the basis of: the total number of the respective population, the total number of persons insured with the Croatian Health Insurance Institute (hereinafter: the Institute), demographic characteristics of the population, the health status of the population, the social structure of the population, the number of people gravitating to the respective area, the characteristics of the respective areas, the availability of health care resources, environmental impacts on the health of the population, and economic capabilities.

In order to improve the provision of primary-level health care services in community health centres and in private practices operating as concessionaires, investments in equipment and

infrastructure are being undertaken under the Operational Programme "Competitiveness and Cohesion for the period 2014-2020", with 85 % being financed by the EU and 15 % by counties.

Also, under the Operational Programme "Efficient Human Resources 2014-2020", financing has been provided for speciality training of medical doctors in these five speciality areas: family medicine/general practice, paediatrics, gynaecology and radiology in community health centres, and emergency medicine in county institutes of emergency medicine in the targeted areas (priority geographical areas are disadvantaged areas in which the Public Health Care Service Network is not sufficiently developed at the level of the primary health care). About 186 million HRK has been secured (according to the model: European Social Fund - ESF 85 %, and national co-financing 15 %).

In order to ensure the continuity and accessibility of health care, founders of health care institutions in local and regional self-government units play an important role by creating favourable living and working conditions to attract health professionals to rural areas.

### **5.123. Work towards more balanced geographical coverage of healthcare services with specific focus on rural areas (Egypt);**

See the last paragraph of 5.122.

### **5.118. Continue ensuring the full realization of the right to safe drinking water and sanitation for all (Egypt);**

Constitutional standards regarding human rights, including ensuring the conditions for a healthy life and the protection of human health, nature and the environment, concern the obligations of the State and of local and regional self-government units. The right to safe drinking water is regulated by the Water Act and the Act on Water Intended for Human Consumption (including the ordinance governing the obligations of legal persons). Croatia is a party to the Protocol on Water and Health, the basic requirement of which is equitable access to safe drinking water.

In order to ensure that water intended for human consumption is safe, the following is being implemented: the monitoring plan for water intended for human consumption, official controls of suppliers of water services, examination of water at water extraction points, and water monitoring. The Croatian National Institute of Public Health coordinates the monitoring of the safety of water intended for human consumption and maintains a database of monitoring results, while legal persons providing public water supply services are responsible for maintaining public water supply facilities, checking the safety of water and publishing results.

Within the Ministry, the following two commissions operate: the Expert Commission on Water Intended for Human Consumption (it provides expert opinions and recommendations in cases of deviation from the water safety parameters and in cases of pollution) and the Expert Commission for Risk Assessment within the Monitoring Programme for Water Intended for Human Consumption. Also, the sanitary inspection service performs official controls of water intended for human consumption and, where an inspection reveals non-compliances, it imposes administrative and misdemeanour measures.

93 % of the population has the opportunity to connect to a public water supply system, of which 87 % is connected, while others use private wells. Water supply systems are continuously being improved (several infrastructure projects are underway – supported by EU funds), and, in response to the problems in some local water supply systems, a thorough analysis is being carried out and is to be completed by 2020.

## **Discrimination**

**5.55. Strengthen the national plan for combating discrimination through the incorporation of indicators and monitoring measures, through determination of the authorities responsible for its implementation, and through a time-frame for achievement of the goals (Mexico);**

The National Anti-Discrimination Plan for the period 2017-2022, including its Action Plan 2017-2019, specifies measures to be taken, responsible and co-responsible authorities, implementation indicators and performance deadlines, as well as amounts and sources of funding. In order to implement it, a working group will be established, which will submit annual reports to the Government. In the last quarter of the Action Plan 2017-2019, an external evaluation will be carried out to assess the achievement of the objectives of the National Plan and the effectiveness of the measures and to make recommendations for the next action plan.

**5.57. Undertake awareness campaigns directed towards the judiciary with a view of promoting non-discrimination (Norway);**

Expert seminars concerning the provisions of the Criminal Code relating to hate crime and hate speech (in particular those directed towards persons belonging to national minorities or based on sexual orientation or gender identity) are organised for judges, lawyers, state's attorneys, police officers and CSOs.

**5.73. Eliminate discrimination in employment, particularly for women and members of the Roma population, pursuant to recommendations of ILO supervisory bodies; (United States of America);**

In accordance with the National Anti-Discrimination Plan for the period 2017-2022, training is organised for employers and employees' representatives on the Anti-Discrimination Act and the Gender Equality Act to raise awareness of the responsibility of employers in creating a work environment free of discrimination and on the importance of protecting the dignity of employees.

With regard to sex-based discrimination in the labour market, see 5.74.

As regards the Roma community, see 4.148., but generally also see 5.60. and 5.115.

## **Hate crime, hate speech and defamation**

**5.76. Step up fight against racism, xenophobia, hate speech and adopt measures to promote poverty reduction, social inclusion and social assistance (Angola);**

With regard to hate crime and hate speech, the National Anti-Discrimination Plan for the period 2017-2022, including its Action Plan 2017-2019, specifies a number of activities, such as the organisation of seminars for judges, lawyers, state's attorneys, police officers and CSOs, and the implementation of the Code of Conduct against hate speech.

Also, in 2018, a roundtable discussion on reporting such cases was organised, and an expert discussion was held concerning the scope of and reasons for non-reporting and possible measure to encourage reporting.

The International Human Rights Day 2017 was commemorated with a panel discussion on the topic „The human rights situation in the Republic of Croatia”, which was held as part of the „Human Rights Film Festival“ featuring themes of combating hate speech, preventing radicalisation and protecting children and young people on the Internet, and was accompanied with presentations by representatives from the Ministry of the Interior and CSOs.

With regard to poverty, it is noted that the Social Welfare Act defines a series of rights and the conditions for their realisation. The Strategy for Combating Poverty and Social Exclusion 2014-2020 defines the most vulnerable groups exposed to the risk of poverty and social exclusion (children and young people, elderly people and pensioners, unemployed persons and persons with disabilities).

The Twinning project „Together Against Child Poverty“ (a joint project between the Croatian and French public administrations) is aimed at reducing poverty of families and children with a view to early identifying risks and undertaking timely interventions (value: one million EUR). Under the Fund for European Aid for the Most Deprived, 62 contracts have been concluded with 35 beneficiaries (HRK 99 956 236.88), under which HRK 25 000 000.00 was allocated for co-financing school meals for children at risk of poverty in the school year 2017/2018 in the counties with a development index lower than 125 %. A total of 450 primary schools and 27 679 children at risk of poverty were covered.

Also, a poverty map has been developed under the operational programme „Competitiveness and Cohesion 2014-2020“, which includes the implementation of pilot projects for physical, economic and social regeneration of deprived communities in less developed urban and rural areas.

**5.102. Ensure accountability for all manifestations of ethnic based hate speech, racism and extremist rhetoric in the public sphere (Serbia);**

This accountability is implemented on the basis of the law. Namely, the Criminal Code provides for a criminal offence „Public Incitement to Violence and Hatred“, which is committed by anyone who in print, through radio, television, computer system or network, at a public gathering or in some other way publicly incites to, or makes available to the public tracts, pictures or other material instigating violence or hatred directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, language, descent, skin colour, gender, sexual orientation, gender identity, disability or any other characteristics, which is punishable by up to three years of imprisonment. The

punishment shall be also inflicted on whoever publicly approves of, denies or grossly trivialises the crimes of genocide, crimes of aggression, crimes against humanity or war crimes, directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent or skin colour in a manner likely to incite to violence or hatred against such a group or a member of such a group.

**5.103. Ensure efficient, non-discriminatory investigations and timely prosecutions as part of the enforcement of hate crime legislation (United Kingdom of Great Britain and Northern Ireland);**

This is implemented through a legal framework that has been put in place. The Criminal Procedure Act prohibits discrimination in criminal procedures on account of race, ethnic origin, skin colour, sex, language, religion, political or other belief, national or social origin, economic status, trade union membership, education, social status, marital or family status, age, state of health, disability, genetic heritage, gender identity, expression or sexual orientation. A statement obtained contrary to this prohibition cannot be used as evidence in criminal procedure. A fair procedure is also guaranteed by the provision laying down that the defendant has the right to have the indictment decided upon fairly, publicly and within a reasonable time by an independent and impartial court established by law.

The Criminal Code defines a hate crime as a criminal offence committed on account of person's race, skin colour, religion, national or ethnic origin, language, disability, sex, sexual orientation or gender identity. Unless a more severe punishment is explicitly prescribed by the Code, such conduct shall be taken as an aggravating circumstance.

With regard to training in this field, see 5.106.

**5.106. Continue ensuring the prosecution of cases of hate crimes (Israel);**

Croatia continues to take actions in this area. In 2017, in the Criminal Code definitions of hate crime and public incitement to violence and hatred, „language“ was added as a new protected basis.

Also, as one of the measures provided for in the National Anti-Discrimination Plan for the period 2017-2022 and its Action Plan 2017-2019, a seminar on the theme of hate crime and hate speech has been held, which is organised by the Office for Human Rights and the Rights of National Minorities in cooperation with the Judicial Academy for judges, state's attorneys, police officers, lawyers and representatives from CSOs. The Action Plan contains specific measures aimed at preventing and combating hate crimes and hate speech: improvement of the system for collecting data on hate crimes and hate speech; organisation of roundtables and campaigns on discrimination, hate crimes and hate speech; monitoring the implementation of the Code of Conduct in cases of illegal hate speech on the Internet; publication of annual data on cases of hate crimes, and maintaining records on support provided to the victims of hate crimes.

The Working Group for Monitoring Hate Crimes, in coordination with the Office for Human Rights and the Rights of National Minorities, regularly holds meetings to exchange data from all competent institutions so that effective prevention and countering of hate crimes can be planned.

The Office coordinates the drafting of the protocol on procedures to be followed in cases of hate crime, in order to improve the data collection system and enhance the efficiency in identifying and investigating hate crimes.

### **5.33. Decriminalizing defamation (Estonia);**

The Criminal Code defines defamation as a criminal offence committed by anyone who, knowing that it is untrue, asserts or disseminates in front of a third party a false factual claim about another person which can damage the honour or reputation of that person. It is punishable exclusively by a fine. Committing these criminal offences through the press, radio, television, computer system or network, at a public gathering or in some other way, thus making the insult accessible to a large number of persons, is also punishable. These criminal offences are prosecuted by private action. If defamation is committed against a deceased person, criminal proceedings may be instituted by a private action brought by the deceased person's spouse or cohabiting partner, life partner or informal life partner, parent, child, adopter, adoptee or siblings.

Defamation is the most serious criminal offence against honour and reputation, which can only be committed with direct intent. The subjective element requires that the perpetrator knew, at the time of committing the offence, that the factual claim that he asserted or disseminated was untrue. Thus, this provision is without prejudice to freedom of expression, but, taking into account possible severe consequences for the injured party, intentional assertion or dissemination of untrue claims is sanctioned. Being punishable only by a fine, defamation has nearly acquired the characteristics of a misdemeanour as regards its severity, but keeping it in the Criminal Code indicates that it poses a higher risk to society.

### **5.34. Review the legislation on defamation and strengthen the training for judges on the implementation of freedom of expression (France);**

See 5.33.

## **Prisons/Torture**

### **5.94. Tackle the subject of torture in a comprehensive way, including fighting impunity and providing for compensation of victims (Costa Rica);**

Acts of torture and other cruel, inhuman or degrading treatment or punishment are established as criminal offences under the Criminal Code and in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – punishment is imposed on a public official or other person who at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity inflicts on another severe pain or suffering, whether physical or mental, for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind. These offences are punishable by one to ten years of imprisonment.

Under the Criminal Procedure Act it is prohibited to apply any medical intervention on the defendant, witness or other person or to give them such medication which may influence their will when giving their statement. It is also prohibited to use force, threat or other similar means and it is prescribed that a statement obtained contrary this prohibition cannot be used as evidence in criminal proceedings. Any evidence obtained in a way representing a violation of the prohibition (laid down in the Constitution, national law or international law) against torture, inhuman or degrading treatment is illegal and court's decisions cannot be based on such evidence.

Pursuant to the Act on the Execution of Prison Sentences, a prison sentence shall be executed in a manner that guarantees dignity for inmates. Any treatment submitting inmates to any form of torture, maltreatment or humiliation or to medical or scientific experiments is prohibited and punishable. The victim is entitled to compensation. Also, a victim of a criminal offence of violence committed intentionally is entitled to financial compensation payable from the State Budget, in accordance with the Act on Monetary Compensation for Victims of Criminal Offences.

**5.31. Address remaining legislative and implementation gaps, including to fully protect and support victims (Australia);**

The National Strategy for the Development of the Victim and Witness Support System 2016-2020 is in place, together with its Action Plan, which provides for a systematic enhancement of the support system, setting up of new support services and employing new staff members. The latest amendments to the Criminal Procedure Act have strengthened the role of victims in criminal proceedings by ensuring them additional rights, in particular by providing for the individual assessment of victims, which makes it possible to determine their need for special protection measures (see: the fourth and sixth paragraphs of 5.86. and the second paragraph of 5.96.). A wide spectrum of the rights of victims and witnesses is protected by victim and witness support departments operating in courts and the Department for Victim/Witness Support operating within the Ministry of Justice (see: 5.99.)

**5.79. Continue its efforts to reduce overcrowding in prisons and improve detention conditions, including by promoting diversion and other alternatives to detention where possible (Austria);**

Since 2011 the number of inmates has been steadily decreasing. The current prison occupancy is about 84 % (3 200 inmates).

With regard to alternative sanctions, the Probation Service has been operating within the criminal justice system since 2009 and has contributed to a reduction in overcrowding. Penal policy has created the conditions for alternative sanctions (community service/suspended sentence under protective supervision) to be imposed on persons who have committed a minor criminal offence, are first-time offenders, and are assessed as being at low risk of recidivism.

**5.80. Step up efforts to combat the overcrowding of prisons, and in particular provide more correctional detention facilities for female prisoners (Republic of Korea);**

In the Women's Penitentiary in Požega the problem of overcrowding has been non-existent for a long time (in 2018 there were 84 women inmates (capacity 165). Alternative sanctions have a positive impact on overcrowding (see: 5.79.)

**5.78. Continue to further improve the conditions for juveniles in pre-trial detention facilities (Georgia);**

Pre-trial detention of juveniles is carried out in accordance with the conditions laid down in the national youth legislation, which is aligned with the Convention on the Rights of the Child and international documents concerning the treatment of juveniles deprived of liberty. Pre-trial detention is imposed on a minor only in exceptional cases and when absolutely necessary and is used as a measure of last resort and for the shortest necessary period of time, and its execution is supervised by specialised juvenile judges. Criminal proceedings are urgent and the minor's best interests and dignity are respected, and all police procedures are carried out in the presence of the minor's parents.

The Foreigners Act contains provisions concerning the restriction of the freedom of movement, or placing a minor in detention.

**5.88. Investigate and prosecute all cases of arbitrary detention in psychiatric hospitals and social care institution, in line with the recommendation made by the Special Rapporteur on violence against women (Germany);**

Social welfare centres make decisions and act in accordance with the Social Welfare Act. Accommodation services are provided as institutional care in a welfare home, a centre providing community-based services or with other service providers, or as non-institutional service in a foster home or a family home. The Act explicitly prescribes that a beneficiary may not be provided with accommodation services without his/her consent or without consent of his/her guardian or legal representative, except in cases prescribed by law. As necessary, and at least once a year, the competent social welfare centre reassesses the existence of facts and circumstances that were decisive for rendering a decision on granting rights and, if the circumstances have changed, it issues a new decision.

The Family Act sets out the rules governing court procedures in relation to the deprivation and restoration of legal capacity. A social welfare centre proposes to the court, *ex officio*, to initiate proceedings to deprive an adult of his/her legal capacity if it considers that this adult, on account of mental impairment or for other reasons, is unable to look after her or her own needs, rights and interests, or presents a risk to the rights and interests of other persons for which he or she has caring responsibilities. A social welfare centre appoints a special guardian for a person in respect of whom proceedings for deprivation of his or her of legal capacity have been instituted, by issuing a decision stating the guardian's duties and powers (which are, as a rule, limited to representation in proceedings for deprivation of legal capacity and to taking urgent measures to manage the person's property or protect his or her health).

A court may issue a decision only partially depriving a person of his or her legal capacity, which means that a person may not be completely deprived of his or her capacity. Before issuing a decision on deprivation of legal capacity, a court shall obtain, from an expert with expertise in the relevant medical field, the opinion concerning the state of health of the person



concerned and its effects on the person's ability to protect his or her particular rights or whether he or she might put the rights and interests of other at risk.

At the request of a social welfare centre or by virtue of the office, health institutions and general practitioners are obliged to submit to the centre information on mental problems and other causes incapacitating the person to look after her/his rights and interests. In its decision on partial deprivation of legal capacity the court shall determine the activities and tasks that the person concerned is not capable of performing on his/her own, such as: dispose of his/her property, salary or other incomes, manage his/her property, make decisions on employment, give statements or take actions concerning marriage, parental care, and other personal issues. A person partially deprived of legal capacity may independently perform activities not included in the decision, and is entitled, to the best of his/her ability, to participate and provide his/her opinion in proceedings in which decisions are made regarding his/her rights and interests, as well as when measures to protect his/her interests, including accommodation, are taken. The person's personality and his/her current and formerly expressed views, and the protection of his/her dignity and welfare have to be taken into account. The guardian has the duty to always consider the opinion, wishes and feelings of the ward and to take them into account, unless it is contrary to the welfare of the ward.

A social welfare centre shall place the person deprived of legal capacity under guardianship and appoint a guardian within 30 days of the court decision becoming non-appealable. The guardian has the duty to obtain from the ward's family doctor opinion on the ward's state of health with respect to the reason for which the ward was deprived of legal capacity, based on the opinion of a medical specialist. The guardian shall, every six months and whenever required by the social welfare centre, submit a report on his/her work and on the condition of the ward's property. The social welfare centre shall, every three years, assess whether the ward still needs to be protected by guardianship, and shall make a report to that effect.

Furthermore, in order to respect the right of persons with disabilities, children without appropriate parental care and children with behavioural problems to live in the community, continuous work is being done to transform social welfare homes and to deinstitutionalise beneficiaries using accommodation services, which means transferring them from the institution or replacing institutional accommodation and care by community-based care.

## **Domestic violence**

### **5.108. Step up its efforts to curb domestic violence (Philippines);**

The „National Strategy for Protection against Domestic Violence for the period 2017–2022“, was developed to continue the implementation of the national policy for the protection of victims of domestic violence and is aimed at ensuring a higher level of protection and improving the quality of life. The National Strategy is a comprehensive and integral document that reflects social awareness and achievements in the protection of human rights and freedoms, the rights of the child and gender equality, and is binding on state administration bodies and public institutions. It covers seven strategic areas and sets out a series of measures and detailed activities that are to be implemented by state administration bodies, local and regional self-government units and CSOs. The measures are based on particular articles of the Istanbul Convention.

A sentence of imprisonment of three years is imposed on anyone who gravely violates the law on the protection against domestic violence and thus causes a family member or a close person to fear for his or her personal safety or the safety of persons he or she is close to or puts a family member or a close person into a degrading position and in doing so does not commit a more serious criminal offence (criminal offence „Domestic violence“). This blanket criminal offence was introduced in order to cover more serious forms of domestic violence (in terms of intensity and duration) which go beyond the misdemeanour liability (serious insults, intimidation). Given that the seriousness of the breach of the law and the severity of consequences (causing fear, putting into a degrading position) need to be taken into account cumulatively, it is possible to make a clear distinction between a criminal offence and a misdemeanour. Since the Criminal Code provides for aggravated offences, a criminal offence of domestic violence if committed against a close person (bodily injury, serious bodily injury etc.) is of a subsidiary nature, meaning that it is committed unless a more serious criminal offence is committed.

The new Act on Protection Against Domestic Violence systematises and prescribes a broad catalogue of rights of victims and extends the definition of domestic violence (Art. 10), which now includes the following:

1. Physical violence;
2. Physical punishment or other forms of humiliating treatment of children;
3. Psychological violence that causes anxiety or injury to dignity
4. Sexual harassment
5. Economic violence as an act of prohibiting or preventing the use of joint or personal property, inability to dispose of personal income or property acquired through personal means or through inheritance, disabling the opportunity to be employed, deprivation of resources for maintaining a common household and child care
6. Neglecting the needs of a person with a disability or an elderly person that causes them anxiety or insults to their dignity and thereby causes bodily or mental suffering.

The „Commission for the monitoring and improvement of the work of bodies engaged in criminal and misdemeanour proceedings and the enforcement of sanctions related to protection against domestic violence“ operates within the Ministry of Justice. Also, the Ordinance on the method of collecting, processing and submitting statistical data and reports in the area covered by the scope of the Act on Protection Against Domestic Violence has been adopted. Furthermore, the drafting of the Ordinance on the enforcement of the security measure of compulsory psychosocial treatment is underway.

In 2018, the „Protocol on procedures to be followed in cases of sexual violence“ was adopted with a view to introducing a standardised procedure and the obligations of competent authorities towards victims of sexual violence regardless of their age, place of violence, gender and/or other characteristics, as well as the Ordinance on the enforcement of the security measure of compulsory psychosocial treatment.

#### **5.82. Continue ensuring effective implementation of its domestic laws on the protection of the family and prevention of violence against women and children (Israel);**

For the implementation of the Istanbul Convention (in force since 1 October 2018), funds in the amounts of HRK 71 082 327.00 for 2018 and HRK 70 566 264.00 for 2019 have been secured. The obligations under the Convention concern the strengthening of the legal

framework for the protection of victims and implementation of laws, but Croatia anticipated many solutions provided for in the Convention by previously adopting the Act on Protection Against Domestic Violence, the Amendments to the Gender Equality Act, the Amendments to the Criminal Procedure Act and the Amendments to the Criminal Code, which take into account international recommendations and EU directives ensuring stronger protection of victims of violence.

In accordance with the Social Welfare Act, victims are provided with services in order to improve their quality of life and move toward independent living and active inclusion into the society. Providers of services for victims of domestic violence (social welfare homes, centres providing community-based services and other legal persons) provide accommodation, counselling and assistance in shelters for victims of domestic violence. There are 19 shelters for children and adults who are victims of domestic violence.

See: 5.108.

**5.50. Develop a policy, strategy and action plan to address the reportedly widespread violence against women (Sierra Leone);**

See: 5.108.

**5.51. Effectively implement the “National strategy for protection against domestic violence 2011-2016” (Republic of Korea);**

The implementation of this National Strategy has resulted in positive outcomes, and in 2017 a new five-year strategy was adopted. Analysis showed that activities undertaken by the authorities in charge have contributed to the recognition of domestic violence as an absolutely unacceptable form of social behaviour that violates fundamental human rights and freedoms, and that the coordination between the governmental sector and CSOs and the work of counselling offices and shelters for victims have strengthened.

The National Strategy provides for the implementation of the protective measure of compulsory psychosocial treatment of domestic violence perpetrators, which is a sanction imposed by a court in misdemeanour proceedings and whose successful implementation contributes to the protection of victims and to the reduction in the number of perpetrators.

Also see 5.108.

**5.84. Double efforts in combating domestic violence and violence against women including through ensuring effective implementation of the National Strategy of Protection against Domestic Violence 2011-2016 (Malaysia);**

See 5.108. and 5.51.

**5.29. Translate the initiatives of the National Strategy for Protection against Domestic Violence 2011-2016 and National Anti-Discrimination Plan 2008-2013 into concrete laws (Indonesia);**

The Government is continuously adopting national strategic anti-discrimination documents, and in 2017 it adopted the National Anti-Discrimination Plan for the period 2017-2022 and the accompanying Action Plan for the period 2017-2019, as a result of which numerous measures for concrete actions have been planned.

For domestic violence see 5.108. and 5.51

**5.25. Review compliance of the Criminal Code, which now defines domestic violence only as a bodily injury, with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as elaborated on in the General Recommendation No. 19 of the Committee on the Elimination of Discrimination against Women (Czech Republic);**

See the second paragraph of 5.108.

**5.28. Address the legislative gap that relates to domestic violence offences and updates the Criminal Code to recognise domestic violence as a criminal offence (Trinidad and Tobago);**

See the second paragraph of 5.108.

**5.86. Implement the Human Rights Committee's March 2015 recommendations on gender-based violence (Bulgaria);**

Currently there are 19 shelters for domestic violence victims, which are operated by CSOs, religious communities and other legal persons. One shelter is owned and fully funded by the City of Zagreb, while the Ministry of Demography, Family, Youth and Social Policy supports the operation of 18 shelters (of which three are in the territory of the City of Zagreb and the Zagreb County, two in the Primorje-Gorski Kotar County and the Istra County respectively, one in each of the remaining counties). They are funded by the contracting of services within the social welfare network through a capitation system (HRK 3 200.00 per victim monthly), and financial support is provided, through competition, to autonomous women's shelters for domestic violence victims, which are operated by CSOs.

In the Criminal Code, gender-based violence is covered by the definition of „hate crime“, which is defined as a criminal offence committed on account of a person's race, colour, religion, national or ethnic origin, language, disability, gender, sexual orientation or gender identity. Unless a more severe punishment is explicitly prescribed by this Code, such conduct shall be taken as an aggravating circumstance. A separate part of the Code prescribes a number of criminal offences (aggravated murder, female genital mutilation, bodily injury, serious bodily injury, particularly serious bodily injury, serious criminal offences against sexual freedom, provoking riots) which are motivated by hatred as an aggravating circumstance and punished more severely.

Freedom of expression of gender identity is guaranteed by the Criminal Code, which prescribes a criminal offence of „violation of equality“, which is committed by anyone who, on the basis of race, ethnic affiliation, skin colour, gender, language, religion, political and other convictions, national or social origin, property, birth, education, social status, marital or family status, age, state of health, disability, genetic inheritance, gender identity expression,

sexual orientation or other characteristics, denies, limits or conditions another the right to acquire goods or receive services, the right to carry out an activity, the right to employment and promotion, or anyone who on the basis of any such characteristic gives another privileges or advantages in relation to these rights. The perpetrator shall be punished by imprisonment not exceeding three years, as shall be anyone who persecutes individuals or organisations because of their commitment to equality of people. The Code also prescribes a criminal offence of „public incitement to violence and hatred”, thus criminalising public incitement (in print, through radio, television, computer system or network, at a public gathering or in some other way) or making available to the public tracts, pictures or other material instigating violence or hatred directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, language, descent, colour, gender, sexual orientation, gender identity, disability or any other characteristics. Whoever organises or runs a group of three or more persons for the purpose of committing this criminal offence, and whoever participates in such association shall also be punished. Public approval, denial or gross trivialisation of certain crimes (crimes of genocide, crimes of aggression, crimes against humanity or war crimes) directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent or colour in a manner likely to incite to violence or hatred against such a group or a member of such a group is also criminalised.

Under one of the principles of criminal proceedings, the Criminal Procedure Act prohibits discrimination on the basis of race, ethnic origin, skin colour, gender, language, religion, political or other convictions, national or social origin, financial situation, trade union membership, education, social status, marital or family status, age, state of health, disability, genetic inheritance, gender identity, expression or sexual orientation. A statement obtained contrary to this prohibition cannot be used as evidence in criminal procedure. The Act contains the procedural institution of an individual assessment of the victim which is carried out before questioning the victim to establish whether there is a need to take special protection measures in respect of the victim; this particularly concerns victims of gender-based violence and hate crimes.

The police must, in accordance with their legal obligations and powers, prevent any form of violence and ensure that citizens are protected against discrimination, and their priority is to prevent domestic violence and violence against women through effective investigations. The police shall make it possible for ombudspersons to gain insight in the procedures undertaken in concrete cases, which ensures an independent supervision of the effectiveness of investigations. In order to improve this cooperation, the „Monitoring body for comprehensive supervision, data collection, analysis of cases of femicide and reporting“ has been set up. A number of national preventive projects are being carried out in the territories of all police administrations with the aim of raising awareness of partner violence and promoting tolerance, non-violence and prevention. Police units for prevention and crime committed to the detriment of youth and family have been set up to strategically deal with these issues. Criminal offences are statistically monitored by sex, age and kinship relationship between the victim and the perpetrator, and these data are made available to partner organisations, civil society organisations and ombudspersons.

At first contact with the police victims are informed of their rights, orally and in writing. An individual assessment of the victim is then carried out to identify the victim's protection needs and to determine whether special protection measures need to be taken in the course of

criminal proceedings; protection measures are then taken based on these findings. While they are at the police station, victims are given contact details of CSOs providing support to victims, and of counsellors and attorneys-in-fact who are available to him/her in the course of pre-criminal and criminal proceedings. The application of protection measures and of the victim support system is supervised and coordinated at national level (by a special working group), while at regional level coordinators in police administrations (deputy heads) are in charge. The „Commission for the monitoring and improvement of the work of bodies engaged in criminal and misdemeanour proceedings and the enforcement of sanctions related to protection against domestic violence“ is in charge of improving and supervising the implementation of the Act on Protection Against Domestic Violence.

Dual reporting is not a common practice of police officers, and the number of isolated cases in which the police do not identify and prosecute only the primary suspect is negligible.

#### **5.61. Establish a sustainable cooperation between the Ministry of Interior and Civil Society Organisations dealing with domestic and gender based violence (Poland);**

The Ministry is continuously undertaking numerous educational and preventive activities, in which it involves CSOs dealing with gender and sex equality and domestic violence. As a result of this cooperation, the following preventive projects are continuously being carried out: „Living without violence“, „Together against hate speech“ and „I have a choice“. Also, interdepartmental activities have been carried out under the project „Support to victims of criminal offences and misdemeanours“, and the (first) International Educational and Prevention Film Festival on Safety was held.

With regard to the provision of information to victims, see the seventh paragraph of 5.86.

For multi-sectoral cooperation, see the last paragraph of 5.96.

The police, in cooperation with the Ministry of Justice and CSOs, is gradually upgrading the victim support system. Continued training of police officers is organised by the Police Academy and the competent police administration. The National Strategy for the Development of Support System for Victims and Witnesses in the Republic of Croatia for the period 2016-2020 has positioned cross-sectorial cooperation and education as an important part of the strategy, in which the police actively participate at all levels.

#### **5.30. Redouble efforts aimed at the implementation of legal provisions against domestic and gender violence, with particular attention to the raising of awareness and proper training of the police (Mexico);**

Below are examples of education sessions (in the period 2016 – 1 July 2018) in which more than 5 800 police officers participated:

- two specialist training courses on juvenile delinquency and crime committed to the detriment of youth and family (topics: domestic violence, violence against women and gender-based violence, protection of victims' rights and support to victims); 60 hours per course; 36 police officers in charge of youth from all police administrations;

- two seminars for professional development of police officers in charge of youth (topics: domestic violence, in particular EU Directives on establishing minimum standards on the rights, support and protection of victims of crime and the Istanbul Convention; protection of human rights of vulnerable groups, identification of violations of their rights and specificities of dealing with them; dealing with perpetrators); 9 hours per seminar; 43 participants from all police administrations;
- ten one-day seminars for professional development of heads and deputy heads of police stations on the topic of „The Misdemeanour Act – active participation of the police in misdemeanour proceedings“ (themes: police procedures in cases of domestic violence; the rights of, and support to, victims, and the procedural rights of suspects, mechanisms for applying regular legal remedies in order to protect the rights of victims and prosecute perpetrators); 424 participants;
- four two-day expert workshops for police officers and judicial officials on the topic of „Domestic Violence“ concerning national and European legislation (theme: new solutions aimed at combating and preventing domestic violence, including the Istanbul Convention and EU Directives), and exercises on how the police, the State Attorney's Office and courts are to deal with specific cases of domestic violence); 84 police officers and 66 judicial officials;
- four two-day seminars organized by the Ministry of Demography, Family, Youth and Social Policy: Interdepartmental training „We can do it together“ (topic: the improvement of the departments' procedures and of the quality of cooperation between the judiciary, the police, the healthcare, education and social welfare sectors, and civil society organisations); 184 participants from all sectors, of which 27 were police officers;
- educational programmes for further professional development of police officers who have secondary school qualifications and are employed in police stations – two-year cycles (topics: legal basis for police procedures in practice, procedures to be followed in implementing protective measures, precautionary measures and security measures – cooperation with the probation service); 4 hours of lectures and exercises per seminar; about 5 000 police officers have been trained through 300 seminars;
- female police officers from the Police Academy participated, as members of the project team, in the realisation of two interdepartmental training sessions on violence against women and femicide called „Building more effective protection: transforming the system for combating violence against women“, which were organised, as part of an EU project, by the ombudswoman for gender quality (in 2017 in Zagreb and in 2018 in Osijek) for members of the police, judiciary and social welfare sectors (topics: „Domestic homicides – open questions in cooperation“ „Individual assessment of the victim's need for special protection measures“); 68 participants, of which 15 from the police;
- the secondary police school and the Police College address issues of violence against women and violence among close persons within several course curricula.

**5.20. Strengthen its efforts to properly respond to allegations of domestic violence, including by training police officers, prosecutors and judges, and to ensure that women victims of violence obtain adequate redress and support (Austria);**

The Judicial Academy, in cooperation with the Police Academy, has organised workshops on the topic of domestic violence in order to provide further training to judicial officials, judges, state attorneys and police officers on the provisions of national and European legislation concerning the combating and prevention of domestic violence and on the provisions of the Istanbul Convention.

Four workshops attended by employees in state attorney's offices were held in 2018, and one of the lecturers was the Deputy State Attorney.

For more details on the training of police officers, see 5.30.

**5.52. Intensify its efforts to ensure effective law enforcement for domestic violence against children and women, to bridge the gap between legislation and practice along with enhancing awareness of victims' rights and training for public officers and legal professions (Thailand);**

In 2017, the Ministry of Demography, Family, Youth and Social Policy carried out a two-month education project „We can do it together“ for county teams in charge of prevention and action in cases of domestic violence, composed of representatives from the police, social welfare, health care, education and justice sectors and CSOs. The aim was to train the county teams, by examining domestic violence cases, the identity of persons involved being protected, in how to act interdepartmentally and what their obligations are. This helped to identify the deficiencies in the system, but also the possibilities for their removal. Also, four two-day training courses were held in four cities, which were attended by 181 members of the county teams. Furthermore, on the eve of the National Day for the Elimination of Violence Against Women (22 September 2017), the Ministry provided them training in order for them to update their knowledge regarding the latest developments concerning the legal framework and to improve their procedures in cases of domestic violence.

The new Act on Protection Against Domestic Violence (2018) prescribes a broad catalogue of rights of victims of domestic violence<sup>4</sup> and extends the definition of domestic violence (see the third paragraph of 5.108.).

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<sup>4</sup> The right to access services providing support to victims of domestic violence, the right to efficient psychological and other professional assistance of an organisation or institution providing assistance to victims of domestic violence; the right to protection from intimidation and retaliation; the right to protection of the dignity of the victim when testifying as a witness; the right to be accompanied by a person enjoying his/her confidence when taking part in any acts, the right to be informed without unjustified delay, at his/her request, of the release of the defendant from custody or of the defendant having fled, and of the decisions on imposing protection measures and revoking precautionary measures determined for his/her protection having been repealed, or of the convicted person having been released from imprisonment; the right to the confidentiality of data whose disclosure could jeopardize his/her security or the security of other persons to whom the Act applies; the right to demand that proceedings before the court be closed to the public, the right to be represented by another person authorized through power of attorney, the right to be informed, at his/her request, of the acts performed as a result of his/her complaint and of the outcome of the proceedings; the right to be interviewed without unjustified delay shortly after filing a complaint; the right to be interviewed in the proceedings before the court and the right to be further interviewed only to the extent necessary for the purposes of misdemeanour proceedings; the right to be interviewed at the police by a person of the same sex; the right to avoidance of contact with the offender before and during proceedings, unless misdemeanour proceedings require such contact; the right to temporary accommodation in an appropriate institution in accordance with a special law; the right to be provided with police protection, upon a court order, when collecting personal belongings upon leaving the common household.



The State Attorney's Office actively participates in the provision of training aimed at further educating police officers, state attorneys and judges in the field of domestic violence (see 5.20.).

With regard to activities of the Ministry of Justice, see the fourth paragraph of 5.108.

**5.96. Continue working particularly with regard to protection of the rights of victims of sexual violence and domestic violence, in particular through training of health, police and judicial personnel (Uruguay);**

In addition to the general catalogue of rights, the Criminal Procedure Act also prescribes a separate catalogue of the rights of victims of a criminal offence against sexual freedom. Victims have the following rights: to consult, before being interviewed, with an advisor or attorney-in-fact at government's expense; to be interviewed at the police and the state attorney's office by a person of the same sex; to refuse to answer any strictly private questions not related to the criminal offence; to demand to be questioned via an audio-video link; to the confidentiality of personal data; to demand that the hearing be closed to the public.

Also, the Act provides for an individual assessment of the victim, which is carried out by the interviewing body in cooperation with bodies, organisations or institutions providing support to victims of criminal offences, and on this basis the Ordinance on making individual assessment of victims (2017) was adopted. An individual assessment determines whether and what type of special protection need to be taken (special method of interviewing, the use of communication technologies to avoid visual contact between the victim and the offender). Where the victim of a criminal offence is a child, it is presumed that special protection measures need to be taken and it is established which ones. The individual assessment takes into account the personal characteristics of the victim, the type and circumstances of the criminal offence, and particular attention shall be paid to victims who have suffered considerable harm due to the severity of the criminal offence, victims of a criminal offence committed with a bias related to their personal characteristics, and victims whose relationship to the offender makes them particularly vulnerable. Victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence and exploitation, hate crime and victims with disabilities are duly included in the individual assessment. The number of interviews of a victim benefiting from special protection is kept to a minimum (for additional information see 5.31. and the fourth and sixth paragraph of 5.86.).

The police has carried out three specialist seminars: „Investigation of sexual criminal offences committed to the detriment of children via Internet“ (40 lecture hours per seminar, 42 police officers); „Training in accessing and using Interpol's ICSE DATABASE and victim identification“ (14 police officers); and „Criminal investigation of violent and sexual crimes“ (80 police officers).

Victims of sexual violence and of any form of domestic violence are provided health care in accordance with the Health Care Act, the Act on Mandatory Health Insurance, the Act on the Protection of Patients' Rights, the Act on Protection against Domestic Violence, the Medical Practice Act and ordinances governing the procedures to be followed in cases of domestic violence and/or child abuse and neglect, and the protection of persons with mental

impairments. In accordance with the above documents, everyone has the right to health care and to receive it on equal terms and to the possibility of achieving the optimal health level.

The „Protocol on procedures to be followed in cases of sexual violence” introduced a standardised procedure to be followed by competent authorities and institutions when dealing with victims of sexual violence regardless of their age, place of violence, sex and/or other personal characteristics. In practice, health care institutions responsible for dealing with victims of sexual violence apply the Protocol in a consistent way, and the health care system is continuously being improved. Victims of sexual violence are examined in hospitals and clinical health care institutions.

Health care institutions are obliged to provide the victim with urgent and comprehensive health care to protect the victim's physical and mental health in accordance with modern standards and practices, regardless of when sexual violence occurred. It is their duty to act in accordance with the laws and other acts governing the health care of victims, and to collect, record and maintain evidence in accordance with the law. Specialised training in victim protection is part of continuing education courses that are provided to health professionals and organised by health institutions and in cooperation with CSOs.

In 2018, seven departmental bodies signed the (new) Agreement on interdepartmental cooperation in the prevention of violence against women and family violence, setting up the national team (membership: departmental bodies, judicial authorities and CSOs) and county teams (membership: staff from the police, courts, social welfare centres and health care institutions), of the same name. The Agreement strengthens the intersectoral cooperation between the governmental and non-governmental sectors.

**5.27. Strengthen legal framework in order to reduce the adverse effects affecting victims of domestic violence, in particular women (Angola);**

See 5.108. and 5.82.

**5.93. Improve services and support for women victims of domestic violence by conducting effective investigations, vigorously prosecuting the perpetrators, ending the practice of prosecuting victims, and ensuring victims have access to protection and shelters (Canada);**

See 5.86.; for effective investigations, see its fifth paragraph; for the prosecution of perpetrators, see its third and fourth paragraph; for shelters, see its first paragraph.

**5.109. Promote policies and educational campaigns for the promotion and protection of the rights of women, and ensure that all allegations of violence against women are promptly, thoroughly and effectively investigated, that perpetrators are held accountable and that women victims of violence obtain adequate redress, including compensation and rehabilitation (Brazil);**

In 2017, the Governmental Office for Gender Equality and the Finnish National Institute for Health and Welfare, in cooperation with legal experts from the Ludwig Boltzmann Institute of Human Rights from Vienna and Croatian judges, organised three rounds of training sessions for 45 judges working in the field of criminal, misdemeanour and labour law. The „Manual on gender mainstreaming and promotion of gender equality for judges, advisers and lawyers“

was developed and distributed to courts, and published on the websites of the Judicial Academy and the Governmental Office for Gender Equality. In addition to the definitions of key terms, the Manual describes actual cases of discrimination based on sex and court proceedings.

With regard to the legal framework protecting the victim, please note the following: the Criminal Procedure Act prescribes that proceedings shall be conducted without procrastination, and in the case of proceedings in which the defendant has been temporarily deprived of liberty, the court and state bodies shall proceed with particular urgency. Also, if a party, defence counsel, injured party, proxy or statutory representative by any of his acts evidently abuses a right provided for in this Act, the court shall issue an order denying him the right to this act. The Act also prescribes the effective conduct of an investigation, the deadlines for its completion and the possibility of extending them, and the control mechanism within the state attorney's office conducting the investigation.

Seven departments for support to victims and witnesses currently operate in seven county courts, which support the provision of emotional and professional support to victims in municipal and misdemeanour courts. In the remaining 13 counties, due to their smaller coverage area, the Ministry of Justice has financed, since 2016, CSOs selected on the basis of public calls, to provide emotional and professional support and psychosocial and advisory assistance via phone, e-mail or in person and to accompany victims to courts or competent institutions.

In order to provide quality information to victims, police administrations use tailor-made forms containing information on the rights of, and support available to, various categories of victims (children; human trafficking; sexual freedoms), which are translated into more than 20 languages and are given to victims on a compulsory basis. A web-site has also been developed containing contact details of the Office for Victim and Witness Support in Courts, the National Call Centre for Victims of Criminal Offences and Misdemeanours, state administration bodies and the CSOs operating in the territory of the particular police administration. Police officers carry out an individual assessment of the victim in order to identify the victim's specific needs and to determine his/her need for protection; they submit the completed assessment form to the judicial body conducting proceedings.

Criminal offences and misdemeanours of violence between close persons are high-risk forms of behaviour and the police investigate them very seriously. In order to raise awareness among police officers on gender-based violence, the ombudswoman for gender equality and CSOs dealing with the promotion of women's rights and gender equality are involved in regular training of police officers.

**5.21. Approve the budgetary funds needed to assume the obligations under the Convention of the Council of Europe on the prevention and the fight against violence against women and domestic violence, and therefore proceed to its ratification (Spain);**

The implementation of the Convention involves the implementation of the National Strategy for Protection Against Domestic Violence, a strategic document setting out victim protection measures based on the Convention, and Croatia has earmarked considerable funds in the State Budget for the implementation of these two documents (for details see 5.82. and 5.22.).

**5.58. Dedicate additional resources to enhance the capacity of centres for victims of sexual and domestic violence (Norway);**

See the first paragraph of 5.86.

**Women's rights**

**5.68. Take further steps to ensure and enhance women's rights in all levels (Greece);**

In order to raise awareness of gender equality, the Governmental Office for Gender Equality of the Republic of Croatia regularly informs the public about the Gender Equality Act and other anti-discrimination laws, and national and international strategic acts and recommendations, and in the last two years 3 100 publications and 2 500 leaflets have been distributed to various stakeholders. The Office regularly publishes on its website information regarding its activities and useful information, and makes appearances in printed and electronic media and on national and local TV and radio stations.

In cooperation with CSOs and other institutions, it organises conferences and round tables to commemorate the International Women's Day, the National and International Day for the Elimination of Violence Against Women, the International Day of Rural Women, the World Day for Safety and Health at Work, the International Day Against Homophobia and Transphobia, the International Human Rights Day.

The concrete projects include, among others, the cooperation of the Office with:

- the Finnish National Institute for Health and Welfare within the twinning project „Support to Gender Equality“; a public awareness campaign on mechanisms of protection against gender-based discrimination was carried out, and street actions in four largest cities were attended by numerous citizens and public persons. Promotional materials (leaflets, postcards with messages from the campaign, umbrellas, planners etc) were distributed, a Facebook page was launched, 14 TV and radio interviews with the partner's representatives were held, and 52 articles were published in the press and on the Internet;

- the Embassy of the Republic of Finland, in the campaign „100 Acts for Gender Equality“ (it was also carried out in Finland ) with the aim of collecting information on 100 initiatives and awarding the best ones. The campaign encouraged the civil society, companies and the governmental and public sectors to design activities promoting gender equality;

- the Union of Societies „Naša djeca“ (Our Children), to make a video promoting the Agenda 2030 global goal No 5 „Gender equality and women's empowerment“.

**5.67. Strengthen efforts towards promotion of gender equality (Cyprus);**

The Government is making continuous efforts to further strengthen gender equality in all the fields, including sports – Recommendation CM/Rec (2015)2 of the Council of Europe on gender mainstreaming in sport has been translated and published.

The Governmental Office for Gender Equality of the Republic of Croatia has signed the cooperation agreement with the Council for Electronic Media and the Croatian Olympic

Committee for the project „For higher visibility of women's sports in the electronic media“, and during the implementation of the campaign it will support the creation of conditions in which electronic media are active partners in the development of a system that supports gender equality in sports.

Furthermore, the international conference „Addressing inequality in sports: women’s status in leadership positions and prevention of violence against women in sports“ was organised in cooperation between the Office and the Central State Office for Sports as part of the joint project of the Council of Europe and the European Commission „ALL IN: Towards gender balance in sport“.

The Office translated and distributed in 2017 and 2018 1 000 copies of the General recommendation No 34 on the rights of rural women issued by the UN Committee on the Elimination of Discrimination against Women, which requires the States parties to ensure that legal frameworks are non-discriminatory and guarantee access to justice to rural women.

In 2016, the Office launched a one-and-a-half-year twinning project “Support for Gender Equality“ financed under the EU Transition Facility Programme and organised in cooperation with the Finnish National Institute for Health and Welfare (EUR 600 000.00). The objective of the project was to strengthen institutional capacities for gender mainstreaming in public policies at all levels, to contribute to the gradual elimination of gender-based discrimination through raising public awareness of legal mechanisms for the protection against discrimination, and to build judiciary capacities for the implementation of national and EU legislation.

In addition to the resident twinning advisor and the project leader from Finland, the Office also cooperated with experts from Finland and Austria, whose visits to Croatia also contributed, from making an initial assessment of the needs to evaluating the project's success. Five evaluations show that the project has met the expectations, introduced changes and strengthened the capacities for the implementation of the principle of gender equality. The Office has prepared an implementation plan for the sustainability of the results for the next three years.

In cooperation with the Office, the European Institute for Gender Equality (EIGE) from Lithuania presented its work in Zagreb on 19 November 2018.

Every year the Office supports the „Woman of the Year“ event, the objective of which is to promote successful women in various areas of social life – entrepreneurship, culture, science etc.

As part of Croatia’s chairmanship of Council of Europe Committee of Ministers, the Croatian edition of the Council of Europe Gender Equality Strategy 2018-2023 was presented in the Croatian Parliament.

For women's quotas in elections, see 5.70.

**5.59. Continue with its efforts in further increasing the awareness of the gender equality and equal opportunities and foster implementation of its national policies in this regard (The former Yugoslav Republic of Macedonia);**

The National Day for the Elimination of Violence Against Women, 22 September, and the International Day for the Elimination of Violence Against Women, 25 November, are regularly commemorated through public discussions, round tables and conferences organised by state administration bodies in cooperation with CSOs with a view of raising awareness and drawing attention to problems faced by victims of sexual violence and the unacceptability of gender-based violence, in particular sexual and family violence.

The TV spot „Prašina“ („Dust“) (created in 2014 within the project „My Voice against Violence“ and financed by the EU under the „Progress“ programme) was re-broadcast in November 2017 and 2018 on the national television and some radio stations to draw the public's attention to the issue of violence against women.

**5.53. Step-up efforts to effectively implement national strategies for gender equality (Morocco);**

The National Gender Equality Policy is a strategic document in this area. The Office for Gender Equality regularly submits reports to the Government on its implementation. The Office also submits reports on its implementation to international organisations, including the UN mechanisms - for example, in 2015 it submitted the national report under CEDAW and the second national report under UPR (2015). It also regularly submits semi-annual reports to the European Commission's High-level Group on gender mainstreaming, which contain an update on the progress towards gender equality. Work on drafting the new National Policy 2019-2022 began in 2018.

**5.69. Enhance efforts to fight all forms of discrimination against women and gender-based violence (Italy);**

On the occasion of the International Day for the Elimination of Violence Against Women, the following publications were publicly presented in 2018: the Protocol on procedures to be followed in cases of sexual violence and the General recommendation No 35 on gender-based violence against women issued by the UN Committee on the Elimination of Discrimination against Women.

The Office for Gender Equality regularly publishes the text of the Istanbul Convention (8 600 copies distributed so far). Also, the Office has agreed partnership with the CSO B.a.B.e. for the project „HELPLINE“, to protect and support victims of gender-based violence and improve the system of support to victims. It supported the Croatian Red Cross in the project „SPARC“ aimed at preventing sex- and gender-based violence in migrant population.

See 5.108.

**5.70. Fully ensure gender equality in employment and in political posts (Russian Federation);**

Efforts are being made to ensure that candidate lists include at least 40 % women candidates, as required by the Gender Equality Act, which would make it possible for women to be elected to the Croatian Parliament and to equally participate in the exercise of legislative power, and to which the Office for Gender Equality publicly draws attention before each parliamentary election.

Also, just ahead to the 2017 elections to representative and executive bodies of local and regional self-government units, the Office published on its website a report of the State Electoral Committee on gender-disaggregated statistical data on candidacies, which showed an improvement in the share of women compared to the 2013 elections: the number of women mayors/municipal prefects increased by about 2 %, their women deputies by about 4 %, and female members of city/municipal councils by about 8 %.

The share of women in other bodies: 26.9 % in county assemblies; 31 % deputy county prefects; 31 % officials in state administration; 27 % ambassadors.

**5.74. Strengthen non-discrimination against women, particularly in the workplace (Algeria);**

In order to raise public awareness of gender-based discrimination at workplace, the public campaign called „Inequality must not remain a business secret“ was organised in March and April 2017. Two radio jingles were created (broadcast on 54 radio stations for 30 days and reached a million listeners), 2 000 message postcards and 1 500 posters were printed, and a special website of the Office for Gender Equality was launched. In the four largest cities 1 500 posters were placed in public transport vehicles for 15 days (1 164 000 persons were exposed to the message). As posters were also placed in places across Croatia, it is estimated that 3 million persons saw the message.

See 5.113.

**5.71. Adopt specific legislation pertaining to gender discrimination in the labour market, including sexual harassment in the workplace and discrimination on the grounds of pregnancy and/or maternity (Trinidad and Tobago);**

Croatia is continuously improving its legislative framework, and a number of laws have been amended in recent years - the Criminal Code, the Criminal Procedure Act, the Act on Protection Against Domestic Violence, the Gender Equality Act, the Family Act. The drafting of the Labour Market Act, setting out the exemptions regarding unemployment and gender equality, and pregnancy, is underway.

**5.113. Continue working for the reduction of female unemployment and the elimination of discrimination against them in the labour market and for achieving equality of opportunities (Cuba);**

The Office of Ombudswoman for Gender Equality, in partnership with various departments, CSOs and professional institutions (including international ones) launched a new EU project called „Equal rights – equal pay – equal pensions - Expanding the scope of implementation of gender equality actions and legal standards towards achieving gender equality and combating poverty in Croatia“.

Also in 2016, the Office of Ombudswoman for Gender Equality, together with the CSO „Roda“, carried out a survey on the use of the right to a breastfeeding break during work time, in order to collect information on what are obstacles to using this right and how this right can be strengthened.

Certification systems have been introduced in the labour market with the aim of encouraging gender equality:

- „Mamforce Standard“ - an innovative assessment and business certification method integrating corporate responsibility towards family and gender equality. It involves the implementation of an affirmative policy towards the family, women and mothers and a balance between the private and professional life. The system includes partners from state administration bodies, private companies and natural persons vested with public authorities.

- „Employer Partner Certification“- a certification system aimed at: raising awareness among a wider business audience of the importance of human resource management (in accordance with the best global practices) and promoting human resource management in companies; recognising organisations that manage human resources in a quality way (internal communication, respecting opinions of employees and taking care of employees, flexible work arrangements, preventing discrimination, promoting diversity).

The Croatian Bank for Reconstruction and Development offers a loan programme which encourages gender equality in the labour market, with the aim of encouraging the setting up and development of small and medium-sized enterprises majority-owned by women, in accordance with the Action Plan for the implementation of the Strategy for the Development of Women Entrepreneurship 2014-2020. Loan borrowers are: companies, crafts businesses, natural persons running their business as sole traders, cooperatives and institutions, in which one or more women own at least 51% share in the capital of the company or of which women are registered owners or the management board of which is chaired by a woman.

For information on the twining project, see 5.74.

**5.114. Strengthen efforts on the empowerment of women by implementing programmes aimed at changing society’s perception of women and removing barriers affecting the employment of women (Malaysia);**

Numerous programmes are being implemented. The Office for Gender Equality was a partner in the project „Ladies of New Business“ organized by „Netokracija“, media brand dedicated to digital business and technology, whose conference, attended by 150 ICT experts, discussed the challenges faced by women in technological and digital industries. Moreover, the Office sponsored the conference „Mentorship as a way of networking among women“, which discussed the need for such cooperation.

The project „Make a wish - a job creation program for women“ of the Ministry of Labour and Pension System, complies with all European and national recommendations on improvement of women’s status on the labour market and on the protection of women’s rights, as well as with the guidelines for employment policies in EU member states promoting social inclusion and combating poverty. It is focused on the inclusion of women who are in an unfavourable position in the labour market, and who will care for senior citizens and persons in an unfavourable position. The project is financed within the framework of the Efficient Human Resources 2014-2020 operational programme in the amount of HRK 400 900 000.00 (from the ESF).

See 5.74.



## Children

### **5.46. Ensure the effective implementation of the new National Strategy for the Rights of Children 2014-2020 (State of Palestine);**

The Government has adopted the National Strategy for the Rights of Children in the Republic of Croatia 2014-2020 with the aim of promoting and improving a comprehensive and integral approach to children's rights (hereinafter in this section: the Strategy). The Ministry of Demography, Family, Youth and Social Policy coordinates the drafting of reports on the implementation of the Strategy and action plans, on the basis of the data provided by state administration bodies, local and regional self-government units and CSOs. The draft report for 2016, the Action Plan for the implementation of the Strategy for 2017, and the draft Action Plan 2018-2020 have been completed, and they specify the measures implemented/planned by all stakeholders, as well as the financial resources deployed or planned per individual measure in the Strategy.

### **5.62. Continue the implementation of the “Plan on de-institutionalisation and transformation of social welfare homes and other legal persons performing social welfare activities for 2011-2016”, with a view to reduce the number of children in institutions (Slovakia);**

The process of deinstitutionalisation of public childcare and transformation of social welfare homes, as well as the process of developing community-based services are continuously underway. To support these processes, the operation „Support to the process of deinstitutionalisation and prevention of institutionalisation of children and youth - phase 1” (HRK 63 000 000.00 under the ESF) is underway. To this end, a call for project proposals was sent out to pre-selected applicants - 13 social welfare institutions providing services for children and youth.

### **5.54. Continue efforts to generate greater inter-institutional coordination and availability of resources for the agencies responsible for the welfare of minor girls and boys (Chile);**

The Family Act regulates the protection of children, specifies the measures for protecting the rights and welfare of children and provides for inter-institutional coordination. The court and social welfare centre, the parents and other persons or social welfare institutions that have the care of a child must cooperate and report about the activities undertaken following a complaint of violation of the child's personal rights (violence, sexual violence, neglect etc.) or property rights. Within 24 hours of initiating the proceedings, the court, the state attorney and the police must inform the competent social welfare centre thereof.

Numerous documents regulate the cooperation in this area, such as: the Protocol on procedures to be followed in cases of sexual violence, the Protocol on the treatment of unaccompanied children (both 2018), the Protocol on procedures to be followed in cases of violence among children and youth (2004), the Protocol on procedures to be followed in cases of child abuse and neglect (2014), the National Strategy for Protection Against Domestic Violence (2017-2022) and the Protocol on procedures to be followed in cases of domestic violence. For teams in charge of combating domestic violence see: the last paragraph of 5.96.

Also, the Ministry of Demography, Family, Youth and Social Policy continuously provides financial support to CSO's projects for providing counselling services and shelter to women and children who are victims of domestic violence, for preventing violence against and among children and youth, and for the work of volunteer centres.

**5.48. Intensify awareness raising campaigns and education programmes on human rights in order to prevent ill-treatment of boys and girls (Uruguay);**

Croatia supports initiatives for the improvement of education on universally accepted values and human rights. Activities are carried out in cooperation with experts from EU Member States, and through an exchange of good practices and the development of modalities for the mobility of experts and concepts. However, special attention is given to an education system that deals with the topics of solidarity, freedom of speech, non-discrimination, pluralism, democracy, rule of law, tolerance, equality etc. In order to improve competencies for the inclusion of these topics in teaching, expert meetings for education and training staff are organised as part of their continued professional development programme; the activities also include the direct involvement of pupils and the financing of CSO projects. Also, in cooperation with the CoE and UNESCO, teaching material for the preparation and implementation of the topics related to the promotion of this area are provided.

**5.49. Take all necessary measures to deter perpetrators and to develop programmes and policies in order to prevent sexual exploitation as well as programmes to socially reintegrate child victims (Timor-Leste);**

Croatia is a party to numerous international documents, which, together with national legislation and strategic documents, make up the legal framework for the protection of victims of sexual violence. The Strategy contains measures for the protection against sexual exploitation and sexual abuse of children. The new „Protocol on procedures to be followed in cases of sexual violence“ specifies the obligations of competent authorities involved in the identification and elimination of sexual violence and in the provision of help and protection to persons exposed to sexual violence, and the methods, forms and areas of cooperation between competent authorities.

The Ministry of Demography, Family, Youth and Social Policy continuously provides financial support to CSO projects aimed at preventing sexual violence against children, including electronic violence, or protecting children against the threats they are exposed to when using computers, the Internet and other means of distance communication. These preventive activities include: education workshops in schools, trainings for pupils and parents, specialised lectures for parents and education and training staff, online campaigns and counselling, printing and distribution of education materials, pupils' public actions in the local community, and education of volunteers.

In this area, successful work is done by the association „Hrabri telefon“ („Brave Phone“), which in 2015 was designated as the national call centre for children 116111, an advisory, anonymous and free telephone line for children calling because of difficulties in family relations, emotional abuse, peer violence, sexual violence on the Internet (via social networks). „Hrabri telefon“ submits to the Ministry annual reports on its work.

**5.81. Implement programmes and policies for the prevention of all forms of violence against children, including sexual exploitation and abuse, and to strengthen social recovery and reintegration of child victims (Republic of Moldova);**

The Criminal Code prescribes criminal offences of sexual abuse and sexual exploitation of children, and criminal offences against marriage, family and children. The Istanbul Convention and various other documents (see the second paragraph of 5.54) further contribute to the prevention of all forms of violence against children and to the strengthening of interdepartmental cooperation in order to facilitate the recovery of children.

One of the objectives of the Strategy is to eliminate all forms of violence against children (physical punishment, physical and psychological violence, witnessing family violence, sexual exploitation and sexual abuse, violence at schools – peer violence and violence by school staff, violence outside the family and school, violence in the media and electronic violence, and child trafficking).

With regard to electronic violence, the Recommendation CM/Rec (2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment has been translated and published. It has been distributed to all social welfare centres – branches of family centres, and to civil society organisations.

The Ministry of Demography, Family, Youth and Social Policy continuously provides financial support of up to 2 100 000.00 annually to the programmes of work of CSO counselling centres and shelters for women and children who are victims of domestic violence. Projects of associations dealing with the prevention of violence against and among children and youth are also financed with up HRK 4 000 000.00 annually.

**5.83. Reinforce its efforts to protect children, especially those in marginalized and disadvantaged situations);**

The Strategy contains the section „Ensuring the rights of children in vulnerable situations“, setting out the measures for: children with developmental disabilities, children in alternative care, Roma children and children living in poverty. Special focus is placed on the elimination of discrimination and the rights of children in vulnerable situations.

In 2018, the Government adopted the new Protocol on the treatment of unaccompanied children, to ensure that a standard practice is applied by competent authorities in order to timely and effectively protect the best interests of an unaccompanied child, and to clearly define the obligations of all those involved during the police proceedings, accommodation, international protection, integration and re-uniting with families, and to ensure that unaccompanied children are provided with quality health care. In accordance with the Protocol, an interdepartmental commission for the protection of unaccompanied children is being set up to improve interdepartmental cooperation between state administration bodies and other stakeholders involved in the protection of unaccompanied children.

The Ministry of Demography, Family, Youth and Social Policy regularly financially supports projects aimed at providing support to socially vulnerable persons. In 2017, the Ministry issued a call for proposals for three-year programmes of CSOs acting in the social welfare field, which includes the work with children in marginalised and disadvantaged situations.

In 2017, the Ministry signed an agreement with UNICEF on the continuation of cooperation in the national programme „For a Stronger Family“, for the implementation of joint preventive activities to strengthen and expand social services for families with children included in the social welfare system. Three components are covered: the improvement of services to families which are at risk of having their children removed from the family and are subjected to family law protection measures; the strengthening of parental competences, and support to foster parents and to the process of deinstitutionalisation.

**5.72. Ensure the elimination of any form of discrimination against children, especially children in marginalized and disadvantaged situations (Turkey);**

Any form of discrimination is prohibited, and this prohibition is guaranteed by, among others, the Anti-Discrimination Act and the Criminal Procedure Act (the prohibition of discrimination is one of the principles governing criminal proceedings). There are also many national documents protecting persons with disabilities, such as the Declaration on the Rights of Persons with Disabilities (2005), which provides a general anti-discrimination framework, and the National Strategy for the Equalisation of Opportunities of Persons with Disabilities 2007-2015. In addition, the National Roma Inclusion Strategy for 2013-2020 contains guidelines for achieving changes in the socio-economic status of the Roma minority, thus improving the protection of the rights of their children.

One of the objectives of the Strategy is to fulfil the rights of children in vulnerable situations, such as children placed in alternative care, Roma children and children who are victims of discrimination, with the priority being the inclusion of children with developmental disabilities or at risk of such disabilities into early intervention services. The Strategy is also aimed at preventing discrimination of children living in poverty and at providing services within different social policy systems.

In the call for proposals for CSO's projects aimed at promoting and protecting the rights of children, one of the priority areas is projects aimed at protecting the rights of, and/or raising public awareness about, vulnerable groups of children – unaccompanied children, children who are victims of child trafficking, children whose parents are in prison and children who are beggars. The Ministry of Demography, Family, Youth and Social Policy provides financial support to projects aimed at combating poverty and social exclusion, namely for providing school meals to primary school children coming from socially vulnerable families and for providing support to socially vulnerable families.

**5.87. Work towards the compliance of pre-trial detention (remand) procedures which includes children with international law standards and national regulations (Libya);**

Croatia has ensured that high standards are applied in procedures for pre-trial detention of children. In accordance with the Juvenile Courts Act, the police must immediately, and no later than 24 hours of arrest, or no later than 12 hours of arrest in cases of criminal offences carrying a sentence of imprisonment of up to in one year, hand over the arrested minor to the custody supervisor or release him/her. The custody supervisor must immediately notify a juvenile judge, a state attorney, the minors' parents or his/her guardian and the social welfare centre thereof and must make a record thereof. The state attorney shall order that the arrested minor be released or brought before the juvenile judge for interrogation. The juvenile judge

must interrogate the minor within 12 hours of the moment the minor is handed over to the custody supervisor, in the mandatory presence of the state attorney and a defence lawyer. Immediately after interrogation, the juvenile judge shall, upon a reasoned request by the state attorney, determine that the minor be detained in custody or investigative imprisonment or be released. The decision of the juvenile judge imposing custody or refusing the state attorney's request for custody, may be appealed by the detainee or by the state attorney within 6 hours, and the appeal shall be decided upon by the council within 8 hours. During custody, the minor is separated from adults. The custody supervisor shall immediately release the minor if ordered to do so by the state attorney or if the minor is not interrogated within 12 hours of being handed over to the custody supervisor. The minor shall be released if, within 20 hours of his being handed over to the custody supervisor, custody or investigative imprisonment is not ordered.

Investigative imprisonment of a minor is applied only as a measure of last resort, in proportion to the seriousness of the offence and the expected sanction, and for the shortest necessary period of time and only if its purpose cannot be achieved by the application of precautionary measures, temporary accommodation or investigative imprisonment at home. Such minor is placed in a closed-type correctional facility that must have a diagnostic unit and a unit for education and work in small groups. During his/her stay at a closed-type correctional facility, the minor must be given the opportunity to work and provided with training useful for his/her rehabilitation and occupation. The period of such investigative imprisonment, until the decision becomes unappealable, may not exceed one half of the period of investigative imprisonment prescribed by the Criminal Procedure Act, which is a general law. There is no problem with overcrowding at correctional facilities. Minors serving a sentence of juvenile imprisonment or investigative imprisonment have the right to receive visits from their family members to an extent greater than that allowed for adult inmates.

**5.121. Take further measures with a view to ensure that all children enjoy equal access to health services (Ukraine);**

The health care of the population, with particular attention being given to the health care of vulnerable groups such as children, is implemented on the basis of the principles of equality, continuity, accessibility and an integral approach throughout the country.

**5.124. Adopt clear appropriate measures to improve the rights of children to education (Libya);**

The implementation of the measures provided for in the Strategy ensures the right to education. Some of these measures are: the development of support programmes for parents to strengthen their competencies and facilitate early detection of risk factors influencing child's development; creating conditions for achieving equality of opportunities for the inclusion of children with developmental disabilities in the education system and in the community, and the establishment of a non-discriminatory model for assessing the educational achievements of children; analysis of the early school leaving phenomenon and the implementation of activities based on the actual needs of youth with a view to their inclusion in education processes.

**5.125. Establish State-wide inclusive education, including through the allocation of necessary resources, and provide regular training for school personnel (State of Palestine);**

The legislation ensures that every child has the right to education, in accordance with the Convention on the Rights of the Child. The Strategy sets, as one of its measures, training of professionals in the education system to prepare them to work with children with developmental disabilities and the introduction of this field of study in university curricula. By continually increasing the resources allocated in the State Budget, it is ensured that the existing rights are observed and new ones are added, in accordance with the needs of children in terms of inclusive education for children with developmental disabilities. The agencies responsible for education organise professional development training courses for education professionals (teachers, principals and expert associates).

**5.112. Continue to realize the right to work for its citizens including through providing opportunities for vocational training and technical education for young people (Egypt);**

Although young people are better educated than previous generations, their unemployment rate is still higher than the average unemployment rate in the total population. Therefore, labour market training, in whatever form (apprenticeship, internship or traineeship), is a way to reduce the mismatch between education and labour market needs. Despite positive trends in the labour market and in the economy, certain groups are still at risk of long-term unemployment and social exclusion, and therefore, measures for the vocational and technical training of young people have been intensified (evaluations of the measures taken so far show a significant decline in the youth unemployment rate and, at the same time, an increase in the youth employment rate).

**5.126. Ensure that children in vulnerable and disadvantaged situations have equal access to education (Armenia);**

Activities are being undertaken to ensure equal access to education to pupils with developmental disabilities. Namely:

- with regard to class assistants, in 2017 financial support was provided to 52 CSOs and grants to fund the work of 307 class assistants for 321 pupils were awarded;
- adapted transport and escort costs are covered; in 2017, transport and meals were provided to 3062 primary school students and 193 secondary school students, and teaching materials and aids were provided to 1378 primary school students and 598 secondary school students;
- within the framework of the continued professional development of professional staff, training courses in the education of pupils with developmental disabilities are organised.

**5.127. Continue its efforts aimed at ensuring equal access to education, including to children in vulnerable and disadvantaged situations (Romania);**

See 5.126.

**5.128. Increase its efforts to ensure that children in vulnerable situations, including Roma children, have equal access to education and to end segregation of Roma children in schools (Austria);**

Vulnerability of children and Roma families has been recognised in recent national strategies and international recommendations. The National Strategy for the Inclusion of Roma 2013–2020 is the basic document defining the activities for ensuring equal access to education to members of the Roma national minority. Its implementation is based on social inclusion, i.e. the creation of conditions for the full integration of children, youth and adult members of the Roma national minority in accordance with their needs and aptitudes. The rights to education, to health and to live in a family environment, the conditions stimulating the development and progress, and the right to their language and cultural identity are ensured. Results show that progress has been made in eliminating initial inequalities and discrimination, and in promoting emotional, social, psychological and physical development; figures show that the number of children in the preschool and secondary school systems has increased, as has the number of beneficiaries of secondary school scholarships. However, the latest data show that the number of children of the Roma national minority in the primary school system has slightly declined, which reflects the same trend in the general population.

The Ministry of Science and Education carries out activities for education and care in early childhood and during primary, secondary and higher education, with emphasis made on preventing early school leaving and creating conditions for an easier transition from school to employment, and annually allocates more than HRK 10 000 000.00 for the education of Roma.

Croatia does not implement a segregation policy, and Roma children receive education together with other pupils, except in the areas where Roma are the majority (taking into account their ratio to the total population). Therefore, in the Međimurje County (covering almost 1/3 of all Roma primary schoolers) there are classes with only/primarily Roma children (for example, the satellite school Držimurec Strelec –100% of pupils are Roma, the Primary School Vladimir Nazor – 61.2% etc). The Government makes continuous efforts to establish an optimum ratio (30% Roma, 70% other) by providing facilities and transport, transferring staff etc.

**5.129. Intensify efforts towards providing all children with equal access to education, including the Roma children (Nigeria);**

See 5.128

For the implementation of the Operational Programme "Efficient Human Resources 2014-2020" – ESF, in 2017 Ministry of Science and Education prepared a call for proposals „Programme, technical and financial support to education of children and pupils of the Roma national minority“ (HRK 15 300 000.00). The aim of the Call is to support their inclusion in the education system to achieve better educational results and successful socialisation. Activities include: extended day programmes, organised transport to kindergarten/school, additional classes and remedial classes, and extracurricular activities, summer camps and/or out-of-school activities aimed at their social integration, as well as professional development of preschool and other teachers and expert associates with a view to improving the quality of education, and purchase of equipment and didactic aids.

In order to improve the quality of education of children of the Roma national minority, professional meetings on acquiring intercultural competencies and preventing early school leaving (use of inclusive strategies) and meetings for teachers who work with Roma children and for Roma assistants are organised.

Also, the Ministry of Science and Education annually launches a call for proposals for grants for CSOs' projects in the field of non-institutionalised education covering the topics related to national minorities, interculturalism and multiculturalism.

**5.165. Ensure for the asylum-seeking children the effective and non-discriminatory access to education (Kyrgyzstan);**

A child seeking international protection has the same right to primary and secondary education as a child who is a Croatian citizen. Children seeking international protection are placed in the asylum seeker reception centres in Zagreb and Kutina and, shortly after arrival, are included in the preschool and school system together with children who are Croatian citizens, in order to facilitate their integration in the education system and in the Croatian society.

The two-year project „Psycho-social support and social services to seekers of international protection”, which was carried out in the asylum seeker reception centre, was finalised late in 2018. A tendering procedure is underway for the further financing of a project aimed at improving quality of life and psycho-social assistance to seekers of international protection (total: EUR 48 000.00, of which EUR 360 000.00 from AMIF), within which assistance is planned to be provided to children seeking international protection to master school curriculum and learn Croatian. A particular emphasis is placed on informing parents about the importance of education and on providing assistance with enrolment in school and other activities for inclusion of children from the reception centre in the education system.

Learning the Croatian language to enable asylees and foreigners under subsidiary protection to communicate in Croatian orally and in writing for life and work in Croatia is the basis for their quality integration. The Croatian language learning programme is implemented to enable asylees and foreigners under subsidiary protection who are not included in the education system to learn Croatian language, history and culture. The implementation of the project „Integration of asylees and foreigners under subsidiary protection into the Croatian society, education and preparation for their inclusion into the labour market“ (total value: EUR 560 000.00, of which EUR 420 000.00 from the Asylum, Migration and Integration Fund - AMIF) is currently underway, and funding is authorised to cover the costs of: inclusion in the Croatian language, history and culture learning programme, translation and authentication of the documents necessary for continuation of education, and inclusion in vocational training programmes.

Pursuant to the Primary and Secondary School Education Act and the Ordinance on the elements and criteria for the selection of candidates for enrolment in the first grade of secondary schools, asylees, asylum seekers, foreigners under subsidiary protection, foreigners under temporary protection and foreigners illegally staying in the Republic of Croatia have the right to primary and secondary education. In order for their integration into the school system to be as successful as possible, the Act prescribes that schools must provide special assistance to children who have the right to education in the Republic of Croatia, but have no or insufficient knowledge of the Croatian language.

For the sake of effective integration of these pupils, schools are obliged to organize individual and group forms of teaching work, to enable these students to master the Croatian language



efficiently and catch up on the knowledge they lack in particular school subjects (70 hours of preparatory course).

Also, children and young people must be included in the education system within the shortest possible period at all levels (preschool, primary and secondary school, higher education), which is also one of the measures set out in the Action Plan for integration of persons who have been granted international protection 2017-2019.

For pupils/children/young people who have been granted asylum status and foreigners under subsidiary protection whose families are beneficiaries of the guaranteed minimum benefit, the Government provides co-financing of textbooks and supplementary teaching materials (atlases, workbooks and/or books of problems).

**5.119. Strengthen the welfare system, particularly related to the protection of children without appropriate care and their access to education (Slovenia);**

The Family Act contains: the principal of the priority right of parents to care for the child, and the duty of the institutions to provide them with assistance is only prescribed when necessary, and the principle of proportional and the mildest intervention in family life. Measures intervening in family life are acceptable only if they are necessary and if their purpose cannot be achieved by milder measures, including preventive assistance or providing support to the family. Milder measures towards parents with regard to child care are these: warning about mistakes and failures, professional assistance and support, intensive professional support and supervision, all these in order to avoid the removal of a child from the family. If it is necessary because a child's life is in danger or it is in the interest of a child's development, the child is entrusted to the care of another person or a foster family, or exceptionally to the care of a social welfare institution (in case of children with developmental problems). Also, housing is organised for children who, according to their age, can live in such accommodation.

With regard to the measures for the protection of the rights and welfare of the child, standardised instruments for the assessment of developmental risks and safety of a child in the family and instruments for parenting capacity assessment are used.

Furthermore, the „Plan for the deinstitutionalisation and transformation of social welfare homes and other legal persons performing social welfare activities in the Republic of Croatia 2011 – 2016 (2018) has been intensively implemented. In accordance with the Plan, non-institutional forms of accommodation include care in foster families, family homes and housing communities, or organised housing in the community provided by state and non-state homes and other legal persons registered for performing social welfare activities. Non-institutional services for children and young people that are offered by transformed institutions include: a full-day or a half-day care, counselling and assistance to individuals and families, early intervention and organised housing.

The operational team for the transformation and deinstitutionalisation of homes for children without appropriate parental care and centres providing community-based services performs an analysis of the situation in a home/centre and of the services offered in the area in which it operates, and prepares a proposal for the transformation and deinstitutionalisation of the home/centre.

**5.130. Consider ensuring an effective inclusive education for children with disabilities, and to improve universal design to ensure accessibility to everyone (Israel);**

The Ministry of Science and Education provides funds for employment of professional and technical support staff in educational institutions, and class assistants and professional communication mediators who provide direct support to pupils with developmental disabilities. It also provides funds for adapted forms of transport, teaching aids and school meals.

Moreover, the National Strategy for the Equalisation of Opportunities for Persons with Disabilities 2017 – 2020 promotes principles of universal design by enabling access to public services and public transport and ensuring an accessible environment.

**5.140. Continue to develop measures that guarantee inclusive education for children and girls with disabilities without discrimination, with particular emphasis on rural areas (Spain);**

Inclusive education for children and girls with developmental disabilities without discrimination is one of the essential dimensions of Croatia's policy, and improvement measures are carried out throughout Croatia, including rural areas.

For more details, see 5.130., 5.125. and 5.126.

**5.137. Refrain from institutionalising children with disabilities, and ensure sufficient alternative family and community based care options for children with disabilities (Ireland);**

Generally, for the ESF project, see 5.62.

Specifically: three social welfare institution projects valued at HRK 33 432 675.13 are currently being implemented, one of which is focused on children with developmental disabilities. Under these projects, community-based services will be provided to 205 persons with disabilities, of which 30 are children with developmental disabilities, and 147 experts will be educated. Also, under the ESF, projects within the operation „Support to further deinstitutionalisation and transformation of social welfare homes for persons with disabilities – phase 1 (HRK 135 000.00) are being implemented, and a call for proposals has been sent out to 18 pre-selected institutions providing services to persons with disabilities.

**5.147. In light of the recommendation of the CRC, act on combating discrimination by targeting situations of discrimination and vulnerability affecting children belonging to all minorities (Nicaragua);**

One of the ways to combat discrimination and vulnerability affecting children belonging to national minorities is to provide them education in their language and script, which is guaranteed by the Constitution of the Republic of Croatia, the Constitutional Act on the Rights of National Minorities and the Act on Education in Languages and Scripts of National Minorities. This is realised through three education models:

- Model A – teaching is done in the language and script of a national minority (all subjects are taught in the language and script of a national minority) in primary and secondary schools: Italian, Serbian and Hungarian national minorities, and the Czech national minority (only in primary school).
- Model B – bilingual teaching (natural science subjects are taught in Croatian, while social sciences and humanities subjects are taught in the language of the national minority) –Hungarian and Serbian national minorities in primary school, and the Czech national minority in secondary school.
- Model C – nurturing language and culture (in addition to regular classes taught in Croatian, classes in the language and culture of the national minority are provided and taught in the minority language – in primary school: Albanian, Czech, Serbian, Slovak, Slovenian, Hungarian, Macedonian, German and Austrian, Ukrainian, Ruthenian, Russian, Jewish and Polish national minorities; in secondary school: Albanian, Czech, Macedonian, Hungarian, Russian, Slovak, Slovenian, Serbian and Italian national minorities).

At the beginning of the 2017/2018 school year, education in the languages and scripts of national minorities under all education models (A, B and C) included in primary schools: 7 159 pupils (3 413 M / 3 746 F) in 172 schools, 821 classes/teaching groups and 987 class/subject teachers; and in secondary schools: 1 547 pupils (740 M / 807 F) in 31 schools, in 183 classes/teaching groups and 408 subject teachers. Preschool education in the mother tongue included 32 kindergartens and 3 primary schools offering preschool education; in 94 groups there were 1 957 children-members of national minorities (170 of the Czech minority, 156 of the Hungarian minority, 470 of the Serbian minority, and 1 161 of the Italian minority).

Educational institutions providing teaching in the language and script of a national minority use textbooks from the parent country, primarily for learning their minority language (Czech, Hungarian, Serbian and Italian, but also for other subjects), and professional training is continually provided to class/subject teachers teaching in the language and script of a national minority.

### **Persons with Disabilities**

#### **5.47. Accelerate the effective implementation of the Convention on the Rights of Persons with Disabilities and its harmonisation at the national level (Uruguay);**

The Government's Commission for Persons with Disabilities (composed of representatives from Ministries, associations of persons with disabilities, CSOs and experts) monitors the implementation of the Convention, and in 2017 it determined priorities for amendments to legislation in order to improve the quality of life of persons with disabilities and to comply with the Convention.

The new Family Act is in place, which contains changes with regard to guardianship and protection through guardianship. The concept of „parental care after the age of maturity“ has been abolished, as it is unacceptable to treat adult persons with disabilities as children, i.e. confer to parents the powers and duties of parental care (in the same way as in the case of children). It is prescribed that protection of persons with disabilities must be ensured, where

possible, by other means before issuing a decision on protection through guardianship. Protection through guardianship must be appropriate, individualised and in accordance with the welfare of the ward; also, provisions on the protection of the dignity of the ward and on the right to be protected from violence have been added.

The most important step forward was the prescribing of partial deprivation of legal capacity (only in areas in which it is necessary to protect the rights of the ward and with as little restrictions as possible), and the abolishing of the concept of full deprivation of legal capacity. All decisions on deprivation of legal capacity issued under previous laws are being reviewed with the aim of restoring legal capacity.

In order to implement the concept of special guardianship for children and adults, the Centre for Special Guardianship has been established as an autonomous and independent institution. A legal obligation to respect formerly expressed views and wishes of wards has been introduced, and every person is enabled to, while still in possession of legal capacity, designate the person they wish to be their guardian, which introduces the concept of advance directives into the legal system. Therefore, a register of advance directives and powers of attorney has been set up in the Croatian Notaries Chamber.

The Act specifies: a) which decisions on personal conditions are made exclusively by the ward; b) when prior authorisation by a social welfare centre is required; c) when decisions on health matters are issued by the court; and d) management and representation in matters relating to the ward's property. Therefore, a new court procedure has been introduced in which the county court makes important decisions concerning the health and life of the ward, (decisions with significant implications, such as life support), which are appealable before the Supreme Court of the Republic of Croatia.

The task of the National Strategy for the Equalisation of Opportunities for Persons with Disabilities 2017-2020 is to strengthen the implementation of the Convention and to align policies with standards at the global level and trends that require that all areas of life are accessible to persons with disabilities and that principles of universal design and reasonable accommodation are applied. The equalisation of opportunities is defined in 16 areas (78 measures and 200 activities) related to different dimensions of the quality of life and the system of provision of services to citizens.

**5.63. Consider allocating necessary resources to support programmes which promote and protect the rights of persons with disabilities (Thailand);**

For the promotion and protection of the rights of persons with disabilities, EUR 14 471 377 was secured through projects implemented under the ESF, and an additional amount of EUR 39 492 827 is planned to be provided through launched operations which are under implementation or for which project proposals are still being received and/or under evaluation.

**5.32. Amend the social welfare act and other laws which deny persons with disabilities their right to work or which allow their placement in institutions without their consent (Mexico);**

The 2017 amendments to the Social Welfare Act provide that salaries of persons with disabilities are no longer an obstacle to the exercise of the right to personal disability allowance (which is granted for the purpose of fulfilling the person's need for integration into everyday community life). For this issue to be comprehensively improved, a new law will be adopted.

**5.131. Elaborate integrated measures to ensure unimpeded access for persons with disabilities (Russian Federation);**

In accordance with the Building Act, buildings must be designed and constructed in such a way that they are accessible to and usable by persons with disabilities and persons with reduced mobility. Also, the Ordinance on ensuring accessibility of buildings to persons with disabilities and persons with reduced mobility prescribes the conditions for, and the manner of ensuring, unhindered movement, stay and work of these persons in buildings intended for public and business purposes.

Misdemeanour provisions are laid down, and a use permit cannot be issued for buildings that are not constructed in accordance with the accessibility provisions.

Croatia has simplified the procedure for works that are to be done to ensure the accessibility of buildings, so now works on stairs, hallways and other access areas to or within a building and in public areas may be done without a building permit and a main design. If the Building Inspection finds that accessibility requirements are not fulfilled, it shall set a deadline for their fulfilment, and after the expiry of the deadline it shall impose a fine. With regard to ensuring accessibility of existing buildings, no time limit has been set within which they must be made accessible; however, they must be made accessible in the event of reconstruction, including the entrance area and communication linking various parts of the building. During the construction or reconstruction of a building intended for residential purposes or a building intended for both residential and business purposes, it must be ensured that one in ten apartments is easily adaptable.

**5.133. Develop further actions to improve community services and support for persons with disabilities (Cuba);**

The analysis of the effects of the Social Welfare Act showed that it needs to be comprehensively improved, and therefore a procedure has been initiated for the drafting of a new act.

The National Strategy for the Equalisation of Opportunities for Persons with Disabilities 2017-2020 provides for the introduction of a supported decision making system in place of partial deprivation of legal capacity.

In 2015/2016, three operations were implemented under the ESF, which contribute to the improvement of community-based services and support to persons with disabilities:

- „Improving labour market access of persons with disabilities“. The objective is to improve employment opportunities and integration in the labour market through targeted programmes tailor-made to their needs and through the adaptation of jobs, and to promote social inclusion. Implemented: 12 projects.

- „Expanding the network of community based social services - phase 3“. The objective is to improve employment opportunities by supporting the development of efficient and inclusive social services, including the reconciliation of work and family life. Implemented: 28 projects.
- „Expanding the personal assistance service for persons with disabilities“. The objective is to strengthen social inclusion by developing and enhancing the quality of the personal assistance service (in particular for persons with the most severe type and degree of disability and persons with intellectual and mental impairments), and to increase the number of personal assistants. Implemented: 51 projects.

The following ESF operations are also underway:

- „Development of the personal assistance service for persons with disabilities - phase 1 (HRK 116 985 131.71)“. 93 projects are being implemented: 72 contracts for the provision of personal assistance service to adult persons with the most severe type and degree of disability and adult persons with intellectual and mental impairments, between the ages of 18 and 65 (897 beneficiaries and 895 personal assistants are planned to be involved); 7 contracts for Croatian sign language interpreters (206 beneficiaries and 16 interpreters are planned to be involved); and 14 contracts for sighted escorts (318 beneficiaries and 15 sighted escorts).
- „Development of the personal assistance service for persons with disabilities - phase 2 (HRK 155 000 000.00)“. The objective is to strengthen social inclusion of persons with disabilities by further developing and enhancing the quality of personal assistance, sighted escort and Croatian sign language interpreter/translator services. The target groups are: adult persons with the most severe type and degree of disability and/or adult persons with intellectual impairments and mental health conditions; deaf, deaf-blind and blind adult persons.
- „Expanding the network of community based social services - phase 1 (HRK 110 150 000.00)“. The objective is to improve social inclusion and promote the reconciliation of work and family life by supporting the development of efficient and inclusive social services. Within one of the four components, funding is provided for activities for adult persons with disabilities, members of their families and professionals working with members of the target groups.

A call for the implementation of „Three-year programmes of associations providing assistance services to persons with disabilities for the period 2016-2018“ has been launched. The objective is to increase social inclusion, improve the quality of life and promote independence and independent living of persons with the most severe type and degree of disability, and to provide employment for persons who are in a disadvantaged position in the labour market and who will work as personal assistants. Since 2006, projects for persons with the most severe type and degree of disability who are not able to perform daily activities in the community have been continuously implemented with the aim of meeting their needs and strengthening their social inclusion. This type of support ensures a better quality of care and in many cases it has prevented their institutionalisation and has contributed to the reconciliation of work and family responsibilities of family members taking care of them. The personal assistance service is provided in cooperation with CSOs of persons with disabilities, which receive funds for their projects, on the basis of a public competition, from the state budget and from a part the

revenue generated by lottery games. Although the number of beneficiaries has increased (in 2015 there were 631 beneficiaries and 631 assistants), only 10 % of the needs are covered. The priority areas are to ensure the provision of: personal assistant services to persons with the most severe type and degree of disability; Croatian sign language interpreter/translator services; sighted escort services to blind persons who cannot walk without assistance. The total amount of HRK 120 329 259.00, i.e HRK 40 109 753.00 annually, has been allocated for the implementation of the project for: 82 CSOs of persons with disabilities (653 beneficiaries, 653 personal assistants); 23 CSOs (23 sighted escorts); 30 CSOs (64 Croatian sign language interpreters/translators).

A call has been launched for the „Development and enhancement of a network of social services provided by associations 2017-2020.“. Three-year programmes are focused on the development and enhancement of a network of social services and on the improvement of their quality. The objective is to build beneficiaries' capacity to stay in their homes, and to increase the accessibility of services in rural and hilly-mountainous areas and on islands. The objective is also to increase the quality of services, to reduce social exclusion and poverty, to improve the quality of life of socially vulnerable groups and to develop cooperative relationships among various service providers (local and regional self-government units, social welfare institutions, CSOs and various systems - education, health, employment). The target groups are children with developmental disabilities and persons with disabilities. In a three-year cycle, an amount of HRK 24 300 000.00 (total: HRK 72 900 000.00) is made available annually for 112 CSOs of persons with disabilities.

**5.132. Take all necessary measures to lift all existing barriers in the enjoyment of the rights of persons with disabilities, with particular attention to their right to live independently, to have access to adequate health care services and to be integrated in the community (Greece);**

See 5.133.

Through social welfare institutions (social welfare centres, centres providing community-based services, social welfare homes, family centres), a wide range of services aimed at improving the quality of life of the family is provided, including providing counselling and professional assistance to families of persons with disabilities and to persons with disabilities facing different challenges. Apart from community-based services provided by social welfare institutions and homes (which are being transformed into community support centres), a significant role is played by civil society organisations which, in partnership with state administration bodies and local and regional self-government units, implement projects aimed at supporting the family and promoting the rights of children and persons with disabilities.

All information on the rights and services provided under the social welfare system are available on the website of the Ministry of Demography, Family, Youth and Social Policy and on the Central State Portal, as well as on websites of social welfare institutions.

The National Strategy for the Equalisation of Opportunities for Persons with Disabilities 2017 – 2020 provides for measures to improve information, communication and awareness raising and to enable persons with disabilities to freely search, receive and forward information of their own choice on an equal basis with other members of the society; to raise awareness on the rights of persons with disabilities through a number of different activities

which contribute to the overall tolerance of diversity in society, and to combat stereotypes and discrimination relating to persons with disabilities; to continually promote the UN Convention on the Rights of Persons with Disabilities and the relevant recommendations of the Council of Europe; to inform about the necessary changes in the society with respect to undertaken commitments and international treaties.

In order to equalise access to social, economic and cultural environment for the deaf and the deaf-blind, and to recognise their right to use sign language, the Act on the Croatian Sign Language and Other Communication Systems of the Deaf and the Deaf-Blind in the Republic of Croatia (2015) was adopted.

**5.134. Ensure that services for persons with disabilities support to the greatest extent possible their independence and that more community-based living choices are created for them in compliance with the UN Convention on the Rights of Persons with Disabilities(Czech Republic);**

See 5.133.

**5.136. Provide facilities to ensure that persons with disabilities can live independently, have access to public and private buildings and have equal opportunities to education, employment and health services, with a support structure particularly for children so challenged (Trinidad and Tobago);**

See 5.131.

**5.135. Take all appropriate measures to ensure the rights of people with mental or intellectual disabilities (Cyprus);**

See 5.47. and 5.133.

The amendments to the Social Welfare Act (2017) have introduced novelties regarding the improvement of the rights of persons with disabilities, so that the full amount of the assistance and care supplement has been raised to 120 % of the base amount and the personal disability allowance to 300 % of the base amount. Also, the person's salary and author's fees are no longer included in the calculation of the right to personal disability allowance. In addition, it has been made possible for the marital or non-marital partner of a person with disabilities to be granted caretaker status, which improves the quality of the system for protection of the rights of persons with disabilities and their better inclusion in everyday life.

Representatives of CSOs of persons with disabilities and of children with developmental disabilities participate in working groups on the drafting of legislation and strategies in this field.

**5.138. Monitor the implementation and ensure compliance with the Act on Vocational Rehabilitation to make sure that persons with disabilities are not subject to discrimination and have equal opportunities to find employment (Sweden);**

The Act on Vocational Rehabilitation and Employment of Persons with Disabilities introduced a single framework ensuring uniform standards, benchmarks and methodologies



for the implementation of professional rehabilitation, which is further elaborated in the Ordinance on incentives for employment of persons with disabilities.

The establishment of new vocational rehabilitation centres started in 2015 with the aim of assessing the ability of persons with disabilities to work and providing them with training to prepare them for work, and providing professional support to employers when recruiting persons with disabilities. In 2017, four regional vocational rehabilitation centres were established (in Zagreb, Split, Osijek and Rijeka), which have a key role in implementing these activities (assessment of work ability level, knowledge, work habits and professional interests, workplaces and work environment assessment, provision of professional support and monitoring in a particular job and work environment etc.).

The Act allows positive discrimination in the employment of persons with disabilities by implementing the models of employment on the open market or under special conditions (integrative and sheltered workshops), subject to the commitment to ensure a reasonable accommodation of the workplace.

Employers in the public sector are required to give recruitment priority to persons with disabilities under equal conditions (equal results in recruitment tests). The Act prescribes a mandatory quota for the employment of persons with disabilities. All employers employing at least 20 workers have an obligation to ensure that 3 % of the total number of employees are persons with disabilities employed at appropriate workplaces under appropriate working conditions. The quota obligation can also be met by applying alternative measures: internship, rehabilitation or vocational training, scholarships for regular education or signing a contract on business cooperation with a sheltered and integrative workshop. Employers who do not meet the quota, are obliged to pay 30% of the minimum salary in Croatia, monthly, for each person with disability they were required to hire. Funds generated in such a way are used solely for the purpose of developing the vocational rehabilitation system, paying incentives and rewards for employment and implementing projects for the employment of persons with disabilities.

The trend of employment of people with disabilities has been steadily increasing in the last ten years, with the biggest increase being recorded after the implementation of the new Act (2015). During 2017, a total of 3 366 persons with disabilities recorded in the register of unemployed persons were employed, which is 18 % more than in 2016 (2 853 persons) and 28,8 % more than in 2015 (2 613 persons). As of 30 June 2018, a total of 1 707 persons were employed through the Croatian Employment Service.

The new vocational rehabilitation model complies with the recommendations of the Council of the European Union, the UN Convention on the Rights of Persons with Disabilities and the recommendations of the European Platform for Rehabilitation. The uniform provision of services is ensured by the adoption of the binding standards of vocational rehabilitation services.

The Institute for Expert Evaluation, Vocational Rehabilitation and Employment of Persons with Disabilities provides various incentives to employers employing persons with disabilities (including self-employed persons), which include: wage subsidies to compensate for reduced productivity; co-financing the costs of workplace accommodation (architectural adjustments) and accommodation of working conditions (technical adjustments), the costs of education,

interest rates on loans taken out to purchase machines, equipment, tools or appliances needed for employment and the costs of professional support; funds for innovative employment programmes, for opening new jobs, and for maintaining employment in integrative and sheltered workshops.

**5.139. Provide comprehensive care to victims of landmines and cluster munitions, by applying the convention<sup>5</sup> in their development plans and by the application of the Convention on the rights of persons with disabilities (Costa Rica);**

Croatia has shown its strong commitment to educating people about the dangers of landmines and helping victims of landmines, and has demonstrated that an interdisciplinary approach to anti-mine action based on the community's experience can generate an added value beyond the technical aspects of humanitarian demining.

Education about dangers of landmines with a view reducing the risks of casualties from mines and unexploded ordnance is carried out by raising awareness and promoting positive changes in behaviour through public information campaigns, training courses, and cooperation with communities. It has contributed to a significant decline in the number of landmine victims in the past few years.

Croatia has strengthened its institutional efforts in adopting a comprehensive and integrated approach to landmine victims and has adopted comprehensive measures, proportionate to the obligations under the Convention on the Rights of Persons with Disabilities. These measures are incorporated into a wider legal framework and national plans and programmes for persons with disabilities. The institutional efforts to provide care and support to landmine victims are complemented by activities of CSOs providing support to landmine victims (primarily through psychosocial and economic projects).

The Office for Mine Action and the Croatian Mine Action Centre are implementing the project „Mine Action and Socio-Economic Integration“, which consists of two complementary components: mine action (humanitarian demining) and victim support, and is financed by Switzerland. Comprehensive databases will be established, victims' needs will be assessed and direct support will be provided to victims through programmes aimed at increasing their employability and competitiveness in the labour market, in the entire territory that was affected by the Homeland War. The relevant sectors (health care, veterans, social welfare) and institutions (the Ombudswoman for persons with disabilities, the Croatian Employment Service, the Croatian Institute for Public Health, the Croatian Pension Insurance Institute) will participate in the project.

## **LGBT persons**

**5.77. Strengthen human rights protections for LGBT persons, in line with Croatia's international obligations and commitments as well as with domestic legislation (United States of America);**

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<sup>5</sup> This is obviously not a reference to only one convention (singular noun in the original), but to both Conventions: The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and the Convention on Cluster Munitions (Croatia has ratified both).

The Action Plan for the implementation of the National Anti-Discrimination Plan 2017– 2019 sets out a number of activities aimed at preventing and combating discrimination on all the basis protected by the Anti-Discrimination Act, including expression or sexual orientation, and covers the areas in which discrimination cases have already been reported or in which there are indications that such cases have occurred.

With regard to criminal provisions concerning hate crime and hate speech, particular attention is given to the protection of LGBT persons and members of national minorities, by organising seminars for judges, lawyers, state attorneys, police officers and representatives of civil society organisations.

**5.111. Strengthen the accountability and prosecution of law enforcement officers who commit abuse against LGBT persons and ethnic persons (Chile)\*;**

\* Croatia has not accepted the recommendation (see A/HRC/30/14/Add.1)

### **Trafficking in persons**

**5.91. Enhance training methods for collecting evidence against suspected human traffickers to increase successful prosecutions, and ensure convicted trafficking offenders are punished with sentences commensurate with the gravity of the crime (United States of America);**

With regard to training, the following are being implemented: regular secondary adult education programme for police officers, addressing issues of human trafficking from the criminal justice aspect; professional development and specialisation training courses for police officers; training courses in combating human trafficking and smuggling for officers of the border and intervention police; specialist graduate studies in criminal investigation at the Police College.

Police officers dealing with organised crime provide professional development training courses to other police officers in how to recognise potential victims of human trafficking, and elements of a crime, and how to carry out criminal and tactical measures and actions and investigations and evidentiary actions in order to collect evidence for further criminal procedures. In 2018, two workshops on combating human trafficking were held and were attended by judges, state attorneys and police officers.

Also, police officers, state attorneys and judges are provided with training courses in recognising victims of human trafficking, applying the new status of a victim in the criminal procedure, carrying out investigation and prosecution, performing individual assessment of victims, and identifying new modalities of committing a criminal offence of human trafficking and connections with illegal migrations.

**5.85. Further strengthen measures to prevent and punish trafficking in persons, especially women and children with the prosecution of offenders and rehabilitation of victims (Venezuela (Bolivian Republic of));**

Measures for the prevention, detection, prosecution and sanctioning of offenders in human trafficking and measures for providing assistance to, and protection of, victims are set out in the National Plan for combating human trafficking 2018–2021. Accordingly, a working group has been set up and is drafting a Protocol on the integration/re-integration of victims of human trafficking, while drafting of a protocol on the exchange of data on identified victims of human trafficking is also in plan.

In order to prevent human trafficking and to inform citizens about various forms of human trafficking, police officers participate in international seminars and workshops and conduct educational and training courses for police officers, employees of the competent ministries and civil society organisation, students and citizens. Preventive activities are also carried out with the aim of raising awareness, informing and educating multipliers of knowledge about human trafficking.

The system established in 2002 (when the first National Committee for Combating Human Trafficking was set up) is continually upgraded. The Operative team of the National Committee holds regular monthly meetings to coordinate activities for each particular case of victim identification and to provide assistance and protection. National plans for combating human trafficking and operational plans accompanying them set out the measures for adapting to newly discovered trends. The Plan for 2018–2021 focuses on strengthening cooperation in criminal procedures, improving methods for the identification of victims and protecting the best interests of victims.

In order to improve the identification of offenders of the criminal offence of human trafficking, state attorney offices cooperate with the Ministry of Interior. The use of advanced methods for the detection of criminal offences related to human trafficking, including financial investigations, results in a better efficiency.

#### **5.75. Intensify efforts to detect, prevent and combat trafficking in children for sexual and other types of exploitation (Uruguay);**

New strategic and operational documents are aimed at prevention and early detection of victims of human trafficking, particularly children. The following documents have been adopted in the last two years: the National Plan for combating human trafficking 2018–2021, the Protocol on the identification, assistance and protection of victims of human trafficking, the Protocol on procedures to be followed in the case of a voluntary return of a victim of human trafficking, and the Protocol on the treatment of unaccompanied children.

In order to prevent and combat human trafficking, especially in women and children, coordinated actions are taken by juvenile police officers and police officers specialised in combating human trafficking. Juvenile police officers are educated to recognise various forms of violation of the rights of the child and to provide support to children victims and ensure appropriate conditions (a room adapted for interviewing children, interviewing a child in their home, the presence of a trustworthy person, in addition to the guardian, during an interview if the child so wishes, the presence of a social welfare centre staff member if the parent/guardian of a child is unavailable or is a suspect, protection of child's privacy, confidentiality of investigative examinations etc.). All proceedings in relation to a suspicion of child abuse and exploitation are urgent and are carried out in accordance with the principles of the best interest of the child. This includes especially considerate treatment and the provision of

support to the child through the social welfare and health care systems as well as by CSOs providing assistance and support to victims.

Particular attention is given to cases of threat to children belonging to vulnerable groups, unaccompanied children or children placed in an institution. Also, in the case of missing children, it is required to urgently determine the circumstances of disappearance and assess the possibility that the child may be a victim of a crime. Since early marriage also carries the risk of slavery, forced labour or servitude, sexual exploitation, prostitution or other punishable acts, due attention is paid to these circumstances during criminal investigation if a criminal offence is suspected.

New modes of action have been identified, particularly as regard child trafficking. In addition to sexual exploitation and abuse of children, which is becoming increasingly widespread including through social networks and the Internet, cases of children being victims of labour exploitation and exploitation for the purpose of forcing them to commit unlawful acts also occur. Therefore, when investigating offences such as begging, burglaries, shoplifting etc., attention is paid to determining whether a child is recruited, forced and exploited by their parents, foster parents, guardian or other persons entrusted with the care of the child (criminal offence „Violation of the Rights of the Child“).

#### **5.110. Continue to provide adequate funding to its anti-human trafficking programmes and free legal aid system (Philippines);**

National shelters for victims of human trafficking (one for children and one for adults) are financed from the State Budget, and are operated by CSOs which prepare an individual plan for each victim. Cases are individually discussed at the meetings of the Operative team in cooperation with departmental teams.

The financing of the free legal aid system depends on the availability of resources in the State Budget. However, resources are increased each year (taking into account the schedule of payments of secondary free legal aid approved in previous years). In 2016, the funding for primary legal aid (legal counselling by authorised associations and legal clinics) amounted to HRK 700 000.00, which was increased by 50 % in 2017, and by an additional 25 % in 2018. The funding for secondary legal aid (representation by lawyers before courts and exemption from payment of court costs) amounted to HRK 2 120 500.00 in 2016, HRK 1 960 000.00 in 2017 and HRK 2 700 000.00 in 2018.

### **National Minorities**

#### **5.146. Fully ensure linguistic, religious and other rights of minorities, in compliance with international obligations (Russian Federation);**

In accordance with the Constitutional Act on the Rights of National Minorities (CARNM) and other special regulations, members of national minorities are guaranteed the exercise of special rights in the areas of education, cultural autonomy, religious freedoms, employment in state and local administration, representation in representative and executive bodies at the national and local levels and representation in the media. The state of play and progress of

implementation of the CARNM is monitored through annual reports, and action and operational plans ensure its efficient application.

The Republic of Croatia, as a party to the Framework Convention for the Protection of National Minorities and to the European Charter for Regional or Minority Languages, and applies a proactive approach and continually takes measures to ensure the full exercise, promotion and protection of the language and other rights of the members of national minorities at all levels.

In accordance with the recommendations of the Committee of Ministers of the Council of Europe, Croatia continues to raise awareness and promote tolerance with regard to the use of minority languages, including signposts and local names in the Cyrillic script, and to promote the culture of national minorities as an integral part of the Croatian cultural heritage, both in the general curriculum at all education levels and in the media.

**5.56. Promote inter-ethnic tolerance through adequate measures, including awareness raising campaigns in the media in close cooperation with civil society and minority associations (Serbia);**

Within the framework of strategic programmes and plans, the Government supports and proposes measures and activities aimed at promoting inter-ethnic tolerance and affirming the values enshrined in the Constitution of the Republic of Croatia, which are implemented by competent institutions in cooperation with representatives of CSOs and representatives of national minority associations. Seminars, thematic meetings and roundtables are organised to promote the values of diversity, mutual respect and cultural pluralism. Seminars are also organised to raise awareness of the role of the media in combating stereotypes and hate speech in the media, promoting tolerance, and developing sensibility to discrimination and non-observance of the constitutional and legal rights of the members of national minorities.

**5.150. Intensify its efforts to promote inter-ethnic harmony through education, and implement concrete measures for the integration of minorities into the Croatian society (Norway);**

The rights and freedoms of the members of national minorities are an integral part of the democratic system of the Republic of Croatia. The Constitutional Act on the Rights of National Minorities (2002) provides the general normative framework for their full protection. Through the National Minorities Council funds are allocated for cultural autonomy programmes of national minorities, and those allocated for 2019 will be increased by 7.75 % compared to 2018.

Civic education in schools is an example of promoting inter-ethnic harmony (see 5.26).

**5.154. Take further concrete and effective steps towards protection and social inclusion for all minority groups (Australia);**

The implementation of the Operational Programmes for National Minorities 2017–2020 as well as the National Anti-Discrimination Plan 2017–2022 and its accompanying Action Plan 2017–2019 will complement and strengthen the existing system for combating discrimination and protecting all minority groups, including protection of members of national minorities.

The implementation of the National Roma Inclusion Strategy 2013–2020 ensures a continued progress towards the integration of the members of the Roma national minority in the society at all levels.

**5.141. Adopt further measures in order to ensure the participation of persons belonging to national minorities in the decision-making process (Romania);**

A separate Act on the Election of Councils and Representatives of National Minorities, which is currently under legal procedure, will regulate these elections in a comprehensive way.

The Constitution of the Republic of Croatia guarantees equal rights to the members of all national minorities and declares that over and above general suffrage, the right of the members of national minorities to elect their representatives to the Croatian Parliament may be stipulated by law.

With regard to the representation of members of national minorities and their participation in the decision-making process at national level, the Act on the Election of Representatives to the Croatian Parliament prescribes that members of national minorities shall have the right to elect eight representatives to Parliament elected in a special electoral district comprised of the territory of the Republic of Croatia“, as follows: the Serbian national minority shall elect three representatives, the Hungarian and Italian national minorities shall elect one representative each; the Czech and Slovak national minorities shall jointly elect one representative; the Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Vallachian and Jewish national minorities shall jointly elect one representative; the Albanian, Bosniak, Montenegrin, Macedonian and Slovenian national minorities shall jointly elect one representative. Representatives are elected by individual election and the elected representative is the candidate who wins the greatest number of votes cast.

In early elections of representatives to the Croatian Parliament (2016), a member of the Roma national minority was elected as a representative of the Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Vallachian and Jewish national minorities; a member of the Czech national minority was elected as a representative of the Slovak and Czech national minorities; a member of the Albanian national minority was elected as a representative of the Albanian, Bosniak, Montenegrin, Macedonian and Slovenian national minorities. Three representatives of the Serbian national minority, one representative of the Italian national minority and one representative of the Hungarian national minority were also elected.

In the Committee on Human and National Minority Rights of the Croatian Parliament, at least one member from each national minority that has its representative in the Croatian parliament must be elected.

Also, members of national minorities are guaranteed the right to be represented in representative bodies of local self-government units and in representative bodies of regional self-government units, and this representation may also be regulated by the statutes of units in accordance with the CARNM. In those units in which proportional representation of national minorities in representative bodies must be ensured, such minority representation must also be secured in the executive bodies of such units. Before elections, the Ministry of Public

Administration shall determine the exact number of members of representative bodies of self-government units that are to be elected from among members of national minorities and publishes this data on the website.

Members of national minorities also elect national minority councils and national minority representatives to local and regional self-government units. A separate Act on the election of national minority councils and national minority representatives is currently being drafted, and will regulate these elections in a comprehensive way.

**5.152. Take measures aimed at the increase of the representation of minority groups in public and private sphere (Armenia);**

Members of national minorities, as equal citizens, have the opportunity to actively participate in the process and thus contribute to the development of democratic processes and to the strengthening of dialogue between the public authorities and the interested public, in accordance with the Code of practice on consultation with the interested public in procedures of adopting laws, other regulations and act.

Also see 5.141.

**5.142. Take all necessary measures to provide equal access to all public services for all members of minority groups in the country (Namibia);**

The Central State Portal has been operating since 2014, providing access to all public services for all citizens, and thus for members of national minorities, with the aim of presenting, in one place, the structure, functions and roles of all public administration bodies. One of the components of the Portal is the project „e-Citizens“, a system providing all citizens, including members of national minorities, with an easy electronic access to all information from public administration and a possibility to search for information about public services (e.g. information on changing personal documents or enrolment in high school) and/or follow political activities in one place.

**5.144. Continue its efforts to combat discrimination and ensure equal treatment of all ethnicities and minorities (Ukraine);**

The Government continually implements, through competent authorities, measures to develop tolerance of diversity and to combat discrimination, particularly discrimination on grounds of national or ethnic origin. Numerous educational courses are provided for members of national minorities on how to protect their rights in accordance with the Anti-Discrimination Act. To this end, institutions in charge of training the employees in government and public services provide organised forms of information provision and training to all employees to make them aware of the legislation on the protection of national minorities, on combating discrimination and on promoting tolerance.

The Government's strategic documents further contribute to progress in the fight against discrimination, see 5.154.



**5.155. Enhance efforts to fight discriminatory attitudes and behaviours against all persons belonging to minority groups, including by allowing the use of one's own language at school and in interaction with the public administration (Italy);**

Taking into account the fundamental position that national minorities add richness to the Croatian society, significant efforts are being made to prevent their discrimination in all areas.

With regard to the right to receive education in the language and script of a national minority, see 5.147.

With regard to interaction with the public administration, the CARNM prescribes that modalities for the application of the right to use a minority language in procedures before administrative bodies in local and regional self-government units and in first-instance procedures before state administration bodies are implemented in accordance with a special law governing the use of the languages and scripts of national minorities.

**5.143. Take effective measures to end all forms of discrimination against ethnic minorities, in particular the Serb minority and Sinti and Roma (Germany);**

In order to improve the existing level of protection of the rights of national minorities, in particular the Serbian and Roma national minorities, operational programmes for national minorities specify, in addition to general activities concerning all national minorities listed in the Historical Foundations of the Constitution of the Republic of Croatia, special activities, developed taking into account the specificities of a particular national minority, concerning the Serbian and Roma national minorities, as well as the Italian, Czech, Slovak, Hungarian and Albanian national minorities (for these minorities, see 5.145).

The activities concerning the Serbian national minority include the return and housing care of refugees, an analysis for the purpose of supplementing/amending documents relating to the integration of the Serbian national minority, an effective implementation of procedures related to war events, and measures to improve regional cooperation.

The activities concerning the Roma national minority include revision of the National Strategy for the Inclusion of Roma, legalisation of sites inhabited by the Roma, further nurturing of the Roma culture and language, and measures to build infrastructure and to commemorate the suffering of the Roma in the Second World War.

**5.145. Fully recognise the situation of the minority groups and take ample action in order to meet these challenges, including combatting discrimination against minority groups, not least the Serb and Roma minorities (Sweden);**

In order to further improve the current level of protection of the rights of national minorities, the Government has adopted operational programmes for national minorities for the period 2017–2020, which set out concrete mechanisms for the protection of the rights of national minorities and fully support the activities of their bodies in accordance with the CARNM and other separate pieces of legislation. The Office for Human Rights and the Rights of National Minorities is required to submit, every six months, a report on the implementation of the operational programmes.

It is planned to improve development programmes in the areas in which national minorities have historically lived and which are demographically, economically or socially weak and well below the average level of national development, in order to ensure a larger financial support and special development programmes ensuring a minimum standard of municipal and social infrastructure.

Part of the measures concerns: the use of their language and script, education in the language of a national minority, cultural autonomy, access to the media, the right to self-organisation, to representation in political life and to participation in public life, and the improvement of development programmes in the economically less developed areas. Other measures have been developed taking into account the specificities of particular national minorities.

Activities concerning the Italian national minority include: implementation of the bilateral agreement on the rights of national minorities, regulation of the system for the financing of associations, strengthening of the system of schools providing schooling in the Italian language and of modalities of action, and support to the development of the infrastructure of associations.

Activities concerning the Czech and Slovak national minorities include: implementation of the bilateral agreement on the rights of national minorities, improvement of conditions for work in schools, improvement of the system for the financing of associations and construction of infrastructure, reconstruction of war-destroyed structures.

Activities concerning the Hungarian national minority include: implementation of the recommendation of the Croatian-Hungarian Joint Committee for Minorities, construction of educational institutions and provision of resources for its completion, provision of information in the mother tongue.

Activities concerning the Albanian national minority include: improvement of bilateral relations with Albania and the Republic of Kosovo, establishment of institutions and provision of support for their construction, provision of support to activities of the Albanian Catholic Mission.

For the Serbian and Roma national minorities, see 5.143.

**5.149. Step up existing efforts towards the protection of the rights of minorities, especially by fighting discrimination against children of Roma descent in the field of education, and by guaranteeing the right to adequate housing of the Serbian minority (Brazil);**

Numerous activities are being undertaken to combat discrimination against children of Roma descent, such as: co-financing of pre-schooling and extended day programmes; courses in the Croatian language for pupils who are not sufficiently familiar with it; scholarships for pupils and students; accommodation in pupil/student dormitories; co-financing literacy and qualification programmes for adults. In order to encourage inclusion and reduce discrimination, work began on drafting the curriculum for nurturing the language and culture of the Roma national minority in primary and secondary schools (model C). As part of the overall curricular reform, in 2016 a proposal for the national curriculum for the course Language and Culture of the Roma National Minority, for both equal-footing modules -

Romani (*romani čhib*) and Boyash (*ljimba dă băjaș*). The working group also includes members of the Roma national minority.

With regard to the right to adequate housing of the Serbian minority, see 5.162. and 5.163

**5.151. Continue efforts to facilitate professional, social and economic inclusion of all national and ethnic and other minority groups, including the Serbian minority, represented in Croatia (Switzerland);**

In the Programme of the Government of the Republic of Croatia for the 2016–2020 mandate, it is emphasised that, in the spirit of tolerance and pluralism and appreciation of cultural and social diversity, work will continue on improving the level of protection of rights of national minorities. The protection of rights of national minorities is implemented in cooperation with representatives of national minorities and national minority representatives to the Croatian Parliament with the aim of strengthening contribution to the development of the Croatian society.

For operational programmes, see 5.145.

**5.153. Ensure that the Serbian minority is not discriminated against in the provision of posts in the public sector and in real estate acquisitions or rental application (Switzerland);**

In accordance with the CARNM, during an open selection and recruitment procedure for employment in state administration bodies, administrative bodies of local units and judicial bodies, members of all national minorities, including the Serbian national minority, have the right to declare themselves as belonging to a national minority and call upon the right of preference over other candidates under the same conditions.

**5.156. Fully implement the Constitutional Act on the Rights of National Minorities and take action to implement Constitutional Court decisions regarding the Act on Usage of Languages and Scripts of National Minorities (Canada);**

Each year the Ministry of Public Administration prepares an annual report on the implementation of the CARNM in the area of its activity and, to this end, collects data and continually monitors equality in the official use of languages and scripts of national minorities.

Based on the data from the 2011 Census, the legal requirement for introducing the official use of the language and script of a national minority (in local self-government units in which the members of a national minority account for at least one third of the population), is fulfilled in 27 local self-government units (for these languages: Czech, Slovak, Hungarian, Serbian and Italian), including the City of Vukovar. In the preceding period, these units were asked to submit information about compliance of their statutes with the provisions of the Constitutional Act on the Rights of National Minorities and the majority of them did so, either by having their entire statute in compliance with the relevant legal provisions or by including in their statute a general provision on the right to the equal official use of the languages and scripts of national minorities.

With regard to the Statute of the City of Vukovar, in 2015 the City Council of Vukovar adopted the Statutory Decision Amending the Statute of the City of Vukovar and the Statutory Decision on the Exercise of Equal Official Use of the Language and Script of the Serbian National Minority (Cyrillic). However, the Council of the Serbian National Minority in Vukovar considered these decisions to be contrary to the existing legislation, and in 2016 proceedings were initiated before the Constitutional Court to decide on the conformity of certain provisions of these decisions with the Constitution and the law.

**5.157. Provide full respect of minority rights guaranteed by positive legislation, including the right to use minority language and script, specifically the Cyrillic script (Serbia);**

Croatia is a party to main international instruments governing the right to use a minority language and script, such as the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, and has the obligation to submit reports under them. The Constitution guarantees to members of all national minorities the freedom to use their language and script, and these rights are additionally specified by separate pieces of legislation (CARNM and Act on the Use of Languages and Scripts of National Minorities).

For a detailed reply concerning the Cyrillic script see 5.156.

**5.148. Continue work for improving the rights of Roma community, in compliance with National Strategy for the inclusion of Roma and the Action Plan of the Decade of Roma inclusion (Albania);**

The analysis of the implementation of the National Roma Inclusion Strategy 2013–2020 shows that continuous progress has been made towards the integration of members of the Roma national minority in the society at all levels and that they are increasingly involved in contributing activities. Activities are systematically carried out in the following fields: education; employment and inclusion in economic life; health care; physical planning, housing and environmental protection; inclusion of the Roma national minority in the cultural and social life; status solutions, combating discrimination and assistance in realising rights; improvement of statistical data collection; and compliance of programmes with international standards and treaties in the area of human rights and rights of minorities.

**5.166. Protect the rights of minorities, in particular by providing access to basic services for the Roma minority, including the ability for stateless Roma to obtain the Croatian nationality, in accordance with its human rights obligations (Switzerland);**

Applications for Croatian citizenship submitted by members of the Roma national minority are treated by the Ministry of the Interior as a matter of priority. Citizenship is also granted to stateless Roma (of unknown or undetermined nationality), if they meet the requirements laid down in Articles 8 and 9 of the Croatian Citizenship Act. Namely, according to this legal basis, an applicant must have his current foreign citizenship revoked only when applying for citizenship on grounds of naturalisation. A member of the Roma national minority who has no foreign travel document or a certificate of citizenship shall be immediately issued a decision on acceptance to Croatian citizenship if they meet the prescribed conditions.

Motivated precisely by UPR recommendations, Croatia adopted the Act on Amendments to the Croatian Citizenship Act (2015), which resolved the issue of wrongly issued certificates of citizenship to persons who were registered between 1978 and 1991 in the register of citizens in the territory of the Republic of Croatia as having citizenship of another former Yugoslav republic or as being Croatian nationals, without any of their parents having such citizenship at the time of birth of these persons, and who had been issued public documents proving Croatian citizenship. In this way, the acquired rights of many Roma are protected, who would otherwise be at risk of statelessness.

Data on obtaining Croatian citizenship by members of the Roma national minority (2015–2017): admittance to citizenship: approved - 52; refused - 34 (for not submitting proof of release from foreign citizenship or for having criminal records); guarantees of admittance to citizenship - 9; procedure terminated (withdrawal, unknown address) or rejected - 4; procedures underway – 40.

**5.60. Continue strengthening the programmes developed for the promotion of employment, right to food and social assistance for national minorities and other vulnerable sectors of the population (Venezuela (Bolivian Republic of));**

Employment of members of national minorities is particularly encouraged, and state administration bodies are obliged, when announcing vacancies, to take care of their representation and to ensure the application of the CARNM, which guarantees to members of national minorities the right of preference in employment under the same conditions.

Social welfare is regulated by the Social Welfare Act and the Family Act, as well as by other subordinate pieces of legislation, but also by a number of strategic documents, such as the Strategy for Combating Poverty and Social Exclusion of the Republic of Croatia (2014–2020). The Strategy contains a clear presentation of the present state of poverty and social exclusion, the causes that have led to this state as well as a social and economic projection as the basis for action. It defines the most vulnerable groups of society exposed to the risk of poverty and social exclusion, and recognises four large groups at risk of poverty: children and young people, older persons and pensioners, unemployed persons and persons with disabilities.

Under the food and/or basic material assistance operational programme for support from the Fund for European Aid to the Most Deprived to tackle material and food deprivation (MD1 – value EUR 11 136 759) funds are planned to be provided through two calls for proposals. The aim of the call „Provision of school meals for children at risk of poverty“ in the school years 2016/2017 and 2017/2018 is to alleviate the worst forms of child poverty by providing non-financial assistance to children in poverty or at risk of poverty in the form of meals distributed in schools (in 2016, the distribution of school meals provided a regular diet for 13 621 children in 330 schools). In late 2017 and during 2018, 35 new projects were contracted, providing regular diet through school meals to 27 736 children in 467 primary school. The aim of the second call „Alleviation of poverty by providing assistance to the most deprived persons in the form of food distribution and/or or basic material assistance – phases I and II“ is to contribute to alleviating the worst forms of poverty by providing non-financial assistance to the most deprived persons (food and/or basic material assistance) and through other measures contributing to their better social inclusion. Within the first phase, 13 humanitarian

organisations provided assistance in food in the whole territory of Croatia to 194 780 most deprived persons.

**5.115. Continue effectively the implementation of the action plan on employment for minorities groups to achieve the set targets (China)**

Employment of members of national minorities in state administration is regulated by Article 22 of the CARNM, which ensures their representation in state administration bodies, judicial bodies and administrative bodies of self-government units, in such a way that members of national minorities have the right of preference in employment under the same conditions. Since the Decision prohibiting new recruitments of civil servants and employees in state administration bodies and technical services and offices of the Government (2016) is still in force, this also impacts the employment of members of national minorities.

**5.116. Continue its efforts to reach the threshold of 5,5 percent share of minorities in the total number of employees in line with the “Action Plan for the employment of national minorities in SAB 2011-2014” in particular in those regions where minorities have significant presence (Hungary);**

Croatia will continue these efforts despite the obstacles described in 5.115. Also, in August 2017, the Government adopted operational programmes for national minorities for the period 2017–2020, which provide for the establishment of mechanisms for monitoring the exercise of the right of preference and employment of members of national minorities in the civil service and public services and at the level of local and regional self-government units, in order to ensure the consistent application of Article 22 of the CARNM. Following from the above, a methodology is being developed for monitoring the exercise of the right of preference in employment of members of national minorities in the civil service and in bodies of local and regional self-government units.

### **Refugees, returnees**

**5.162. Adopt measures that guarantee access to rights for all people returning to the country irrespective of the cessation of the condition of refugees (Argentina);**

Beneficiaries exercise their rights in the administrative fields of reconstruction, housing care and status rights in proceedings before the competent state administration bodies in counties or the administrative body of the City of Zagreb (first-instance bodies), and before the State Office for Reconstruction and Housing Care (second-instance body). The legal basis for the exercise of the rights is the Reconstruction Act, the Act on the Status of Displaced Persons and Refugees and the Act on Areas of Special State Concern.

**5.163. Continue to implement the obligations deriving from Sarajevo Declaration vis-à-vis successful integration of the refugees, and to further accelerate the implementation of the existing national Housing Care Program (Bosnia and Herzegovina);**

Croatia is an active participant in the regional process to resolve the refugee issue, which commenced by the Sarajevo Declaration 2005 and was continued by the Joint Declaration signed by the Foreign Ministers of the Republic of Croatia, Bosnia and Herzegovina, Montenegro and the Republic of Serbia in Belgrade in 2011. This resulted in the multi-annual

Regional Housing Programme (RHP), the aim of which is to permanently meet the housing needs of the most vulnerable categories of displaced persons and refugees and provide durable housing solutions either through integration in the country of refuge or by returning to the country of origin. On 3 December 2013, the Republic of Croatia and the Council of Europe Development Bank signed the Framework Agreement defining the legal basis for using financial resources from the RHP Fund.

Six RHP sub-projects are being implemented, which will provide housing solutions to 328 families. Housing units for 262 families have been constructed and provided so far. The implementation will continue until 2021 by the approval of three new projects, which will provide housing to additional 84 families.

Under the national programme, housing care is provided according to different models to ensure that there is a sufficient number of housing units for displaced persons, returnees and refugees, through: reconstruction of war-damaged and destroyed family houses and apartments; provision of financial support for the remediation of war-damaged housing units; repair of damaged apartment buildings, apartments and family houses; construction of new apartment buildings and family houses, and purchasing of housing units. To date, 150 768 family houses and 7 641 apartments in apartment buildings have been reconstructed. The donation of building material covers 12 239 beneficiaries. There are also 15 578 state-owned housing units intended to be used for the housing care programme. The results of the annual plans for 2016 and 2017 exceeded the plan, and housing solutions to 1 150 families is planned to be provided in 2018.

**5.161. Continue its efforts to meet the benchmarks of the Action plan regarding the building of the housing units for the returnees <sup>6</sup> (Albania);**

The Action Plan for the accelerated implementation of housing care within and outside the areas of special state concern for refugees - former tenancy rights holders who wish to return, and who are mostly members of the Serbian national minority, has been fully implemented. In accordance with the criteria from 2007/2009 as set out in the Action Plan for the accelerated implementation of housing care within and outside the areas of special state concern for returnees who are former tenancy rights holders (revised in 2010), housing was provided to 4 915 families of former tenancy rights holders in the areas directly affected by war, as well as outside these areas. After the plan was completely implemented in 2011, housing continued to be provided to former tenancy rights holders.

Croatia also actively participates in the regional process aimed at finding durable housing solutions for all remaining refugees in the region, see 5.163.

**5.117. Take measures to safeguard the right to an adequate standard of living, including by expediting the return of Croatian Serbs to their homes and by upholding commitments under the Regional Housing Program (Canada);**

The RHP is being implemented in accordance with the provisions of the Framework Agreement, and the objectives are implemented in accordance with the plan and within the

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<sup>6</sup> Probably refers to the former Action Plan for the accelerated implementation of the Housing Care Programme.

deadlines, as regards the completion of both the whole programme and individual projects, see 5.163.

**5.120. Realize the right to adequate housing by ensuring the right of post-war returnees to recover privately owned housing, regardless of their ethnic background, and by improving housing conditions in returnee communities (Germany);**

For the accommodation of displaced persons and refugees, abandoned private structures were used and have since been returned to their owners. The Central State Office for Reconstruction and Housing assumed the obligation to return private property used in the temporary takeover programme under the Act on Temporary Takeover and Management of Certain Property, in accordance with its competences regarding the management of property in areas of special state concern.

The Office is in charge of activities related to court proceedings against the Republic of Croatia, and for other non-administrative cases concerning the return of private property. Since 2014, 67 active cases of occupied property have been recorded, of which 22 cases concern occupied property, and 45 cases concern the property that Croatia has to return to their owners due to a subsequent loss of ownership of that property because the owners obtained a judgement declaring void the sales contracts. Of 22 cases of occupied property recorded in 2014-2018, 14 cases have been solved. Of 45 cases of „false purchase” recorded in 2014, 30 cases were solved until 2018.

The Office has taken all measures to ensure that persons entitled to housing care are provided with appropriate alternative housing units and has initiated eviction procedures against users who are not entitled to housing care and have refused to move out of the private property of another person. Also, the Office shall provide appropriate housing units to 9 users, of which 2 are users of occupied property and 7 are users of „false purchase”, who have to move out, but are entitled to housing care. With regard to the remaining cases, eviction procedures are underway or the ownership is not settled yet. With regard to empty property, owners are authorised to enter into possession of their property, particularly if the owner receives a notification informing him that the other party is not willing to remain in possession of that property. The owner must assume the responsibility for the property in question and show interest in exercising the rights to the extent allowed by the authorisation granted to him under the ownership right.

**5.164. Give more priority to returnee communities for economic development initiatives, that returnees are given easier access to social welfare systems and to take effective measures to recognize their years of work and right to pension (Bosnia and Herzegovina);**

In July 2018, the Government sent to parliamentary procedure the Supported Areas Act, which will govern the development of supported areas within the framework of the regional development policy. The objective is to contribute to economic development in accordance with the specificities and principles of the law governing regional development and create more favourable conditions for economic development initiatives.

In the period 2017–2018, a total of HRK 833.5 million was invested in regional development, and the new laws provide for the allocation of additional 434 million to the Regional



Development Fund for 2019, so that the amount invested during these three years will be 6 times more than that invested in the 2012–2015 period.

With regard to the so-called „due but unpaid pensions“, the necessary rulings have been issued (the Constitutional Court of the Republic of Croatia, the International Labour Organisation, the European Court of Human Rights) to the effect that Republic of Croatia is not obliged to pay these pensions for persons who fled from the occupied areas of the Republic of Croatia to the Republic of Serbia during the Homeland War. The basic complaint is that pensions are an individual and not a collective right. However, regardless of the rulings, anyone who considers himself to be an injured party (including citizens of Bosnia and Herzegovina) may, in personal capacity, initiate proceedings before the competent authority of the Republic of Croatia.

**5.167. Continue ongoing efforts, both nationally and in their bilateral dialogue with Serbia, to ensure the return of refugees and displaced Croatian of Serb origin to their homes and the recovery of all their rights, especially with regard to their property, pensions and social rights, thereby ensuring a comprehensive solution to a problem that affects both Croatian of Serb origin as Serbs of Croatian origin (Spain);**

The dialogue with Serbia concerning the return of refugees and displaced Croatian citizens of Serbian origin to their homes and the recovery of their rights has been established within the framework of the RHP, see 5.163. Representatives of both countries, as well as the international community, are investing efforts to maintain the dialogue.

For recovery of property, see 5.120.

For pension and social rights, see 5.164.

### **Migrants and asylum seekers**

**5.158. Continue to implement the state policy on immigration, constantly adjust and improve the policies and measures according to the new situations of the protection of the rights of migrants (China);**

Croatia is monitoring the situation concerning the protection of the rights of migrants, and further compliance with Directive 2008/115/EC was achieved by amendments to the Foreigners Act in 2017, with the last amendment to the Act being adopted in May 2018.

Since 1 June 2017, the Ministry of Interior has been monitoring forced return on the basis of the Foreigners Act, which is aligned with the Return Directive, and in accordance with a cooperation agreement concluded with the Croatian Legal Centre. The agreement is valid until the end of 2018, and a new open call for the selection of candidates for monitoring forced return will be launched early in 2019.

Ordinance on free legal aid in return process was published on 27 June 2018 and became applicable on 1 January 2019 since the making of a list of legal aid providers was a condition for its application. The Ordinance prescribes the obligation of issuing an open call for candidates interested in providing legal aid, which is published according to the seats of administrative courts.

Also, in order to inform the public about the rights of migrants and their protection, the Guide on the integration of foreigners in the Croatian society, which contains an overview of the rights of different categories of foreigners, including asylum seekers, has been supplemented with new information. It has been translated and published in six languages (English, French, Ukrainian, Arabic, Farsi and Urdu).

#### **5.160. Further sensitise the Croatian public to asylum question, in order to facilitate the integration of asylum seekers (Sweden);**

The integration of asylum seekers and foreigners who have been granted international protection but do not yet have accommodation outside the reception centre is carried out in the reception centre. Integration includes learning about cultural and hygienic habits; inclusion of children in school; Croatian language courses provided by CSOs; trips to national parks and other sights in cooperation with CSOs; inclusion in sports, arts and music activities; connecting with religious communities. Good cooperation has been established between the reception centre and the Islamic Centre in Zagreb.

Local community is necessary for developing integration practices; for example, in primary schools in Zagreb children of asylum seekers and foreigners who have been granted international protection are well accepted by teachers and pupils.

An example is the primary school Gustav Krklec in the school year 2017/2018., which is attended by 19 children of asylum seekers and 2 asylees who are integrated in their classes through a preparatory course in Croatian (partial integration model). The programme „Integration of children of asylum seekers in the Croatian educational system” is carried out to teach children about humanity, tolerance, diversity and social justice, and about the culture and customs of their refugee peers. Cooperation is established with a number of institutions and with the governmental and non-governmental sectors. Currently on display is a travelling exhibition of paintings made by refugee children currently living in Croatia, Italy and Greece („Colours of a Journey“).

During 2017-2018, the project „Support for integration of third-country nationals who need international protection“, co-financed from the AMIF (EUR 373 404) was implemented with the aim of raising awareness of the difficulties of integration and strengthening capacities of, and coordinating, those involved in the integration system (activities: TV, radio and Internet campaigns, a survey of attitudes of citizens, national conferences, public discussions, publication of the results of the survey and the new integration guide). An awareness-raising spot reached 2.5 million television viewers and Internet visitors; a radio spot was played more 140 times on 5 stations with a national coverage; there were 9 public events on the theme of integration challenges, organised for representatives of professional and general public in 7 cities and attended by more than 600 participants; a survey of attitudes and integration capacities was carried out in 30 local and regional self-government units and more than 1 400 persons participated; awareness-raising workshops for children and young people were carried out in 17 primary schools in 6 cities for more than 950 children and young people; a printed brochure „Children's questions about being a refugee and how to answer them“ was created.

Furthermore, a decision has been adopted to allocate funds to the project „Integration of asylees and foreigners under subsidiary protection in the Croatian society, education and preparation for inclusion in the labour market”, under the AMIF, with the aim of raising the level of knowledge of the Croatian language, history and culture for the purpose of integration, continuation of education and/or vocational training.

Asylees and persons under subsidiary protection learn Croatian through courses provided by CSOs.

**5.35. Consider reviewing its Foreigners Act in favour of temporary residents on humanitarian grounds (Nigeria);**

Temporary stays for humanitarian reasons is regulated by the Foreigners Act (2011), which is aligned with Council Directive 2004/81/EC (2004) on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. It is granted to: a victim of trafficking in human beings; a minor who has been abandoned or is the victim of organised crime or has been left without parental care, custody or accompaniment; a third-country national who, until the date of submission of the application had refugee status for at least 10 years or was included in the programmes of reconstruction or return or housing care for refugees from the Republic of Croatia; and for serious and justified reasons of a humanitarian nature.

These persons regulate their status in Croatia under more favourable conditions – they are not required to prove the purpose of their temporary stay, the validity of the travel document, sufficient funds to support themselves and health insurance, but they must pose a threat to public order, national security and public health. On the basis of approved temporary stay, they can work without a residence or work permit or a certificate of registration, and may have revenues from work.

**5.159. Review its asylum procedures to increase the efficiency of the asylum granting processes and ensure the protection of unaccompanied migrant children (Sweden);**

The procedures are prescribed by the Act on international and temporary protection and by the Protocol on the treatment of unaccompanied children, which was adopted in 2018. The procedure for international protection is preceded by the Dublin procedure, regulated by EU Dublin III Regulation, which sets the time limits for procedures and legal remedies. Despite the two separate procedures, the relevant time is the time between the expression of intent to apply for international protection to the moment the protection is granted.

In order to increase the efficiency of the international protection procedure, training is provided in accordance with the EASO training curriculum (European Asylum Support Office based in Malta) either online or in seminars in Malta. The number of employees in this field is also increasing (the Ministry of Interior has launched a vacancy notice for the recruitment of administrative officers and supervisor for interior matters).

Immediately after an unaccompanied child becomes known to the police, the body competent for social welfare issues will designate a special guardian trained in work with children, and the child will be informed about this designation (a guardian is not designated for persons

who are over 16 years of age and married). In accordance with legislation, the guardian represents the unaccompanied child in proceedings before state and other bodies. During the procedure for granting international protection, the unaccompanied child submits an application in person, but the special guardian must be present. The special guardian may only exceptionally submit an application on behalf of the child – if he considers that it is necessary because of the child's personal circumstances. His role is to timely prepare the child for an interview and inform him about the significance and consequences of the interview. If the child does not understand Croatian, an interpreter for the language in which the child can communicate will be called. An application submitted by an unaccompanied child takes priority in processing during the procedure for granting international protection, which must be carried out in the best interest of the child, respecting the child's opinion and taking into account the child's age and the level of development.

Unaccompanied children are placed in an appropriate environment, such as homes for education of children and young people, Centre for community-based services Zagreb – Dugave and the reception centre for asylum seekers in Kutina, which is intended for vulnerable groups, and, exceptionally and only for those over 16, in the reception centre in Zagreb. Before being placed, the child must undergo an initial health examination.

They have the right to education under the same conditions as Croatian nationals, with preparatory or additional class in Croatian if necessary. They also have the right to appropriate health care, depending on the specific situation.

Within the Dublin procedure, the re-uniting of an unaccompanied child with his family or relatives living in the territories of the EU Member States is also carried out, taking into account the child's best interest. The Protocol on the treatment of unaccompanied children entered into force on 30 August 2018. The objectives of the Protocol are as follows: introduction of a standardised procedure (uniform practice followed by all competent authorities), definition of the obligations of all actors in all stages of protection, provision of a quality health care service, but also a stronger cooperation of competent authorities.

### **War crimes and missing persons**

#### **5.26. Strengthen the legislation suppressing advocating crimes against humanity and ensure the training of judges on its application, as well as the issues of civic education in public schools (France);**

The Criminal Code prescribes the criminal offence of „Crime against humanity“. It also prescribes the criminal offence of public incitement to violence and hatred, and whoever publicly approves of, denies or grossly trivialises the crimes of genocide, crimes of aggression, crimes against humanity or war crimes, directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent or colour in a manner likely to incite to violence or hatred against such a group or a member of such a group shall be punished by imprisonment (of up to three years). It also prescribes that an attempt to commit a criminal offence shall also be punished.

Four specialised courts (Osijek, Rijeka, Split and Zagreb) deal with cases of war crimes and by their expertise and experience they contribute to quality trials. Also, the Judicial Academy provides training to judges, and the State Attorney's Office of the Republic of Croatia has

developed a „Handbook on procedures to be followed in cases of war crime“, which contains numerous elements, from methods in which crimes are committed and the application of international criminal law to the recent case law of the European Court of Human Rights and national courts.

Civic education is carried out as mandatory, on a cross-curricular basis, in primary and secondary schools, and as an elective subject in the 8th grade in 35 primary schools. In secondary school, a mandatory subject is Politics and Economy (one year, two periods a week) dealing with the themes of human rights and democracy. Civic competencies are also assessed through projects in which pupils make research and contribute to solving problems in social communities, learning about entrepreneurship, responsibility and activism. The Agency for Education organises fairs and competitions in the field of civic education.

**5.95. Prosecute all cases of human rights violations, war crimes and crimes against humanity in a non-discriminatory and impartial manner, in consistence with the requirements under the ICCPR (Serbia);**

War crimes are prosecuted on the basis of clear and objective criteria, in accordance with the principle of legality, and impartiality is ensured by the legal framework which provides for the specialisation of police officers, courts and state attorneys. In order to ensure uniform procedures in cases, the State Attorney's Office of the Republic of Croatia provided prosecutors with guidelines on setting standards, and the uniform application of standards for the prosecution of war crimes has been introduced.

See 5.97.

**5.105. Continue the actions undertaken in the criminal processing of war crimes (France);**

One of the activities by which this measure is implemented is education. During 2016, workshops „Procedures in cases of war crimes“ were held for state attorneys and were focused on education on the application of international war and humanitarian law, as well as the international criminal law, and on the case law of the International Criminal Tribunal for Former Yugoslavia and the European Court of Human Rights. In 2017, deputies participated in the conference „Hotspots of Croatian cooperation in criminal matters“, which was organised by the Croatian Association for European Criminal Law, and in which a lecture was held on inefficient investigations with regard to the right to live, according to the judgements of the European Court of Human Rights.

For the main legal framework, see 5.95. and 5.97.

For activities of the State Attorney's Office of the Republic of Croatia, see 5.100.

**5.97. Further step up its efforts to investigate and prosecute effectively war crimes and strengthen the capacity of domestic courts and witness protection mechanisms in this regards (Czech Republic);**

The Criminal Procedure Act prescribes, as one of the principles of criminal proceedings, that proceedings must be conducted without procrastination, and in the case of proceedings in which the defendant has been temporarily deprived of liberty, the court and state bodies shall

proceed with particular urgency. It also prescribes the effective conduct of an investigation, the deadlines for its completion and the possibility of extending them, and the control mechanism within the state attorney's office conducting the investigation. It also provides for the control by the judge of investigation following a complaint by the defendant, i.e the judge of investigation may, if he establishes that the complaint is well-founded, determine the deadline by which the investigation must be completed. It also prescribes the time limit for the preferment of the indictment after the completion of investigation or inquiry is entered in the crime reports register, as well as the possibility of extended this time limit and a control mechanism. For additional information, see 5.101.

Strengthening of the capacity of courts is supported by the fact that war crime trials are held before specialised courts (4) and that, in order to ensure objective and quality trials, a number of judges in first-instance proceedings for war crimes have been reassigned accordingly. For additional information, see 5.98.

The witness protection mechanism is implemented in accordance with international standards in all specialised courts for war crimes, but also in other courts that have special departments for witness support. The issue of witness protection is strengthened by transposing EU Directives in the Criminal Procedure Act. In 2014, State Attorney's Office of the Republic of Croatia issued all state attorneys Mandatory Instructions concerning the right of a victim of criminal offence to access witness support services. For more information on the witness protection mechanism, see 5.98. and 5.99.

In the context of extending the rights of victims, the Criminal Procedure Act has been amended. Before a victim is interviewed, the interviewing body, in cooperation with bodies, organisations or institutions providing assistance and support to victims of criminal offences, shall carry out an individual assessment of the victim, which includes determining whether and what type of special protection measures need to be taken (see 5.31., the fourth and sixth paragraph of 5.86. and the second paragraph of 5.96.).

#### **5.98. Enhance the capacity of domestic courts and witness protection mechanisms so as to improve the efficiency in domestic war crimes prosecutions (Austria);**

To understand the work of national courts in war crime cases, it is particularly pointed out that the Act on the Implementation of the Statute of the International Criminal Court and the Prosecution of Crimes against International Law of War and Humanitarian Law sets out an exhaustive list of courts that are competent for conducting criminal proceedings for acts in this Act. In that respect, this Act contains the same provision as the Courts Act, which specifies that the presiding judge shall ensure the conditions for the proper work of the court and assign the tasks. In addition, the Ministry of Justice provides material, financial and spatial conditions for the work of the courts and determines the number of judges taking into account their workload and number of cases, and therefore the number of judges is filled subject to his consent. For additional information, see the second paragraph of 5.97.

The Criminal Procedure Act prescribes the concept and treatment of a witness at risk (where it is probable that by testifying or answering a particular question, a witness might expose himself or a person he is close to a serious risk to life, health, physical integrity, freedom or property of considerable volume), who may refuse to disclose information, or answer certain questions or to testify altogether until he is provided protection, which consists of a special

manner of interrogation and participation in proceedings. Where the special manner of interrogation of a witness at risk only refers to non-disclosure of data, the interrogation shall be conducted under a pseudonym without specifying any other data. Where it refers to the concealment of his physical appearance, the interrogation shall be conducted by an audio-video device and the witness will be placed in a separate room and his physical appearance and voice shall be changed. Outside the context of proceedings, the protection of the witness and the persons close to him shall be carried out in accordance with the Witness Protection Act, which regulates the concept of a protected witness included in the witness protection programme. For more details about the witness protection mechanism, see 5.97. and 5.99.

**5.100. Continue and deepen the measures necessary for the investigation and punishment in the courts of persons suspected of participation in war crimes and crimes against humanity (Argentina));**

Regional cooperation in war crime case is continuing on the basis of agreements concluded between prosecutors' offices of neighbouring countries, while county state attorney's offices continue to exchange data needed for prosecution. The tenth regional conference on the cooperation of state attorney's offices in the prosecution of perpetrators of war crimes was held in 2016 with a view of further improving cooperation.

Also, the State Attorney's Office of the Republic of Croatia continues to participate in the joint project of the European Commission and ICTY, and until June 2017 it searched evidence collections in the ICTY's database and collected documents for the purpose of using them in domestic cases of war crimes and directly communicated with prosecutors, analysts and experts from the ICTY's Office of the Prosecutor.

**5.101. Demonstrate a clear track record of war crime cases which shows standardise sentencing through a fair and non-discriminatory process (United Kingdom of Great Britain and Northern Ireland);**

Proceedings in war crime cases are conducted in accordance with the standards laid down in legal provisions (see 5.97). Also, the court and other state bodies must prevent any abuse of the rights which the participants in the proceedings have, and therefore the court shall issue an order denying a party, defence counsel, injured party, proxy or statutory representative the right to perform an act by he/she evidently abuses a right provided for in the Act (see also the second paragraph of 5.109.)

The Criminal Code prescribes that no statutory limitation shall apply, among others, to the criminal prosecution of the crime of genocide (Article 88), crime of aggression (Article 89), crimes against humanity (Article 90) and war crimes (Article 91), and no statutory limitation shall apply to the execution of sentences passed for these crimes. These provisions provide a framework for fair and non-discriminatory proceedings in war crime cases.

See 5.97.

**5.92. Take urgent steps to ensure that women victims of wartime violence have access to justice and reparation, including adequate psychosocial and economic support as well as access to health-care services (Ireland);**

The Act on the rights of victims of sexual violence during the military aggression against the Republic of Croatia (5 August 1990 – 30 June 1996) entered into force in 2015, and ordinances were adopted laying down the manner of and the conditions for acquiring the status and rights of a victim of sexual violence in the Homeland War and on the work of the Commission for Victims of Sexual Violence.

The Act defines the area in which sexual violence occurred, which is the territory of the Republic of Croatia, but also enemy camps and prisons located in neighbouring countries to which persons from the territory of the Republic of Croatia were taken.

A victim of sexual violence whose status of a victim has been confirmed in an administrative procedure may exercise various rights: psychosocial, legal and health care assistance, medical rehabilitation, systematic medical examination, compulsory and supplementary health insurance, accommodation in an institution providing support and services to veterans and war wounded persons, and financial compensation. During the procedure for granting rights, the principle of gender equality and non-discrimination on any grounds is applied to victims of sexual violence.

The Act prescribes the victim's right to compensation in the form of a financial compensation in a one-off amount of HRK 100 000.00 and an increased financial compensation of HRK 150 000.00 (in cases when violence resulted in consequences such as pregnancy, abortion, child birth or the person was a minor). In addition to the one-off compensation, victims may receive monthly compensation (calculated on the bases of 73% of the budgetary base – currently amounts to HRK 2 428). It also prescribes the right of the heir of a victim who died before the adoption of the Act (18 June 2015), if the victim has a final judgment proving that he/she was a victim of a sexual violence or some other direct evidence proving that he/she was an injured party as a victim in a court proceedings against the offender.

The third National Programme of psychosocial and health care assistance to veterans and victims of the Homeland war, the Second World War and returnees from peacekeeping missions, extends the category of beneficiaries to victims and witnesses of sexual violence during the Homeland War and to victims and witnesses of war crimes. In addition to the National Psychotrauma Centre, there are four regional psychotrauma centres, and various centres for psychosocial assistance operating at local level. Among people using the services of the Centre for psychosocial assistance, in 2016 there were 49 women victims of sexual violence from the Homeland war, and in 2017 there were 9 women.

**5.107. Take effective measures to investigate and prosecute war crimes, including rape and other sexual abuse, and ensure that war crimes trials are carried out expeditiously and fairly by an independent and impartial tribunal (Canada);**

War crime cases concerning sexual abuse are entirely dealt with by one of the four specialised state attorney's offices, in order to ensure data concentration and a more efficient procedure and to avoid further traumatising the victim.

For the progress in the legal framework, see 5.92.

The State Attorney's Office of the Republic of Croatia and the competent state attorney's offices continue cooperation with CSOs that are dealing with these issues - on 3 July 2018, the Attorney General of the Republic of Croatia held a meeting with a representative of the



foundation for victims of the war crime of rape in the Homeland War and with the victims themselves.

The Act on the rights of victims of sexual violence during the military aggression against the Republic of Croatia prescribes the obligation to report, upon becoming aware of, a criminal offence or sexual abuse, in order for the offender to be detected and prosecuted, and such report is acted upon.

**5.89. Increase the number of investigations, intensify the investigative work and improve the efficiency of judicial procedures before national courts in the case of crimes committed during the war of the 90s and strengthen the efforts to determine the fate of all missing persons in Croatia (Switzerland);**

With regard to intensifying procedures for crimes committed during the war, it is noted that four specialised courts operate and that numerous educational training courses are held to improve efficiency, see 5.105.

With regard to missing persons, the Directorate for Detained and Missing Persons of the Ministry of Croatian Veterans, as the Government's competent authority for issues concerning persons missing during armed conflicts in 1990s, in cooperation with the competent authorities continually collects information on missing persons, irrespective of their origin or other characteristics. The Croatian model of searching for missing persons has been continuously improved, especially since 2016, when new technologies for searching for hidden graves were introduced (such as a geological radar, biological detectors - *cadaver* dogs and drones). Recruitment of new employees and the opening of regional branches (Eastern Slavonia) continue.

In 2017, agreements were concluded with Bosnia and Herzegovina (BH) and Montenegro, requests for search of missing persons exchanged and methods of cooperation determined. With regard to cooperation with the Republic of Serbia (RS), early in 2018 Croatia took the initiative to improve the cooperation legal framework so as to shed light on the fate of all missing persons in Croatia.

The drafting of the Act on Missing Persons from the Homeland is currently underway, which will strengthen: the right of the family to learn the truth about the fate of its missing members, the preservation of dignity of all missing persons and victims of the Homeland War, and the further commitment of the Government to solve missing persons' cases.

The State Attorney's Office of the Republic of Croatia is involved in the search for missing persons through the „Guidelines for the improvement of regional cooperation in prosecuting war crimes and searching for missing persons and the establishment of a coordinating mechanism“, which were signed in 2015, following previous agreements, by the chief prosecutors (RC, RS and BH) and the UN's resident coordinator in BH. The aim is to improve cooperation between judicial bodies in prosecuting war crimes and searching for missing persons. Numerous regional consultations organised by UNDP were held and the State Attorney's Office of the Republic of Croatia participated in the following conferences in 2017: „Process of exhumation and identification of missing persons in Croatia“ and „Exhumation and identification of the remains of persons missing in the territory of the former Yugoslavia“. The State Attorney's Office of the Republic of Croatia participates in the

work of the Government's Commission for Detained and Missing Persons and in the work of the Working Group for the collection of information about missing persons and unregistered graves.

For additional information, see 5.90. and 5.104.

**5.99. Increase the administrative capacity of courts to a sufficient level, to provide adequate support and protection to witnesses, to accelerate the investigation and prosecution of war crimes and to take the necessary steps to excavate all known mass/common graves and to identify all the remains (Netherlands);**

Efforts are being made to fully develop the victim and witness support system and to enhance it to cover the entire territory. The National Strategy for the Development of the Victim and Witness Support System 2016-2020 has been adopted, and the Action Plan is being drafted, which provides for an enhancement of the support system, the setting up of new departments for support, and employment.

Departments for Victim/Witness Support (7 county courts): they provide emotional support to victims (and their escorts present during interviews), provide information about the rights of victims and witnesses and other practical information, and refer victims to competent services. In war crime cases, victims and witnesses who are summoned to witness are called via phone to determine their needs and ability to come to court. If necessary, transport is organised through the Ministry of Justice, and in international cases police escort and protection is provided. Other victims are contacted on request of the court or state attorney's office. Departments submit information about the victim to the competent bodies responsible for an individual assessment of the victim and provide support to county and municipal courts and misdemeanour courts. They also employ volunteers for their activities.

For more information about the new concept of an individual assessment of the victim, see 5.31., the fourth and sixth paragraph of 5.86. and the second paragraph of 5.96.

Within the Ministry of Justice, the Service for Victim and Witness Support has been set up to: develop and coordinate the support system, plan strategic development, coordinate work of such departments in courts, educate support staff and volunteers, supervise the work of the National call Centre (116006), coordinate the work of the Commission for the Monitoring and Improvement of the Victim and Witness Support System, undertake research.

The Service provides direct forms of assistance: support to witnesses summoned through international legal aid (including witnesses of war crimes), organising psychosocial assistance, provision of information about the rights of victims and witnesses and psychological support to victims and witnesses via phone. In war crime cases, intermediary services are provided to witnesses and other actors in securing physical protection (if necessary) and assistance in accessing the competent judicial body in Croatia, and outside of Croatia (when in case of a request for international legal assistance, support departments cannot carry out the tasks).

The Service carries out activities to provide financial compensation to victims and informs victims about the offender's release from imprisonment (including victims of war crime), and cooperates with prisons, probation offices, police administrations, county teams for

prevention and combating family violence and violence against women, and with social welfare centres.

Out of the revenues generated from lottery games, the Ministry of Justice finances CSOs that provide assistance and support to victims and witnesses of criminal offences and misdemeanours in counties in which support departments have not been set up, in order to ensure comprehensive assistance and support for victims and witnesses. The Support Service issues calls for proposals for selection of CSOs and monitors the selected CSOs.

The project „Networks of support and cooperation for victims and witnesses of criminal offences“, which includes 10 CSOs from 13 counties (escort to the court and competent institutions, on-call time at information desks in courts, telephone counselling on working days), is planned to be implemented in the period 2018-2020.

For more information see 5.95., 5.97. and 5.100.

150 hidden mass graves from the period 1991-1992 have been found and 2 162 victims have been exhumed, as well as more than 1 300 individual graves with 1 828 exhumed remains of the victims. All mass graves known to the Republic of Croatia have been investigated.

Exhumation was also carried out at 30 known sanitation graveyards, in which, in accordance with the Geneva Convention, after humane sanitation the remains of 1 171 persons who lost their lives in 1995 were buried. The exhumation of the remains was carried out, which represents 95 % of the cases missing in 1995, and it is planned to exhume about 50 persons buried in the remaining sanitation graveyards from 1995.

The progress in solving the issue of missing persons can only be expected if the Republic of Serbia fully cooperates. Since 1995, Croatia has sent numerous requests to Serbia: request for information on hidden mass and individual graves from 1991–1992 and secondary graves; request for return and delivery of documentation from the Vukovar hospital and Borovo Commerce and identification protocols. It also requests access to military archives and a more pro-active approach to investigations of mass graves and individual missing persons in the territory of Croatia, and the continuation of the exhumation of registered grave sites and the identification and exhumation of unregistered grave sites.

The challenge for Croatia is 900 unidentified human remains which were processed by traditional forensic and DNA methods, but they did not match with the blood samples taken from family members and their identity has not been determined. They were decently buried in graves constructed for that purpose, which also serve as memorial sites. In 2017, a detailed analysis of the condition of human remains was performed, state-of-the-art reagents were used for their treatment and additional blood samples were collected. Information campaigns and public discussions (leaflets and brochures) are continually carried out to raise awareness of the collection of additional information about missing persons and to encourage family members to give blood samples.

Also see 5.90.

**5.90. Investigate all unresolved cases of missing persons and bring perpetrators to justice (Estonia);**

To date, the majority of cases of persons who went missing during the Homeland War in the territory of the Republic of Croatia have been solved by exhuming hidden mass and individual graves. 150 mass graves (persons went missing 1991-1992) and more 1 300 individual graves and 30 sanitation graves (persons went missing in 1995) have been detected, from which 5 162 persons have been exhumed and 4 243 victims identified. Currently, 1 911 persons are still missing, mostly Croatian defenders and civilians who went missing or were forcibly taken away 1991-1992 (1 131 cases) during the aggression of the Republic of Serbia, Montenegro and the JNA (Yugoslav National Army) on the Republic of Croatia.

Information about graves continues to be systematically researched. Test excavations were carried out at more than 3200 locations, and at more than 1500 location the remains of victims of armed conflicts in the territory of Croatia in 1990s were found (no remains were found at 53 % locations).

There is a clear lack of information about hidden mass and individual graves in the areas of the Republic of Croatia that were occupied in 1990-s, as well as about secondary graves into which the human remains were moved into organised and systematic way. Information is available to the Republic of Serbia (military archive of the JNA; witnesses in Serbia).

Also see: 5.104.

With regard to bringing perpetrators to justice, see 5.97., 5.104. and 5.89.

**5.104. Give impetus to accelerate the regional process on the question of thousands of persons who are still missing, which is vital for the rule of law as well as for the regional reconciliation (France.**

In addition to the „Joint DNA-identification project“, which has been successfully implemented since 2004 in cooperation with the International Commission on Missing Persons - ICMP (516 cases solved), in 2017 Croatia acceded to the agreement with ICMP on the establishment of the „Database of open missing persons cases from the armed conflicts in the former Yugoslavia“ and has fulfilled all the obligations assumed. A web application containing a database of open cases will soon be made publicly available.

On 6 November 2018, Croatia signed the „Framework Plan to Address the Issue of Persons Missing from Conflicts on the Territory of the Former Yugoslavia“, which was initiated by ICMP, and whose objective is to intensify multilateral cooperation. The Plan operationalises the Declaration on Missing Persons and the Declaration on the Role of the State in Addressing the Issue of Persons Missing as a Consequence of Armed Conflict, from 2014, and is supported by the EU Member States.

Croatia also participates in the UNDP project „Strengthening regional cooperation in the prosecution of war crimes and search for missing persons“, and in the ICRC project „New Initiative of the International Committee of the Red Cross“, which is aimed at searching archives of international organisations in order to collect information and help in clarifying the fate of missing persons.

Through the Directorate for Detained and Missing Persons of the Ministry of Veterans, Croatia regularly participates in conferences of the Regional Coordination of Associations of

Families of Missing Persons, in which it directly cooperates with representatives of the families of all missing persons.

See: 5.90. and 5.89.